# A TREATISE COLLECTED OVT OF the Statutes of this Kingdome, *and according to common experience of the Lawes,*

*E libris Concerning Edw. Pocockii.*

# THE OFFICE AND AUTHORITIES OF *CORONERS* AND *SHERIFES.*

*Together with*

An easie and plaine method for the *keeping of a Court Leet, Court Baron,* and Hundred Court, &c.

BIBLIOTHECA BODLEIANA

By JOHN WILKINSON, *of Bernards Inne, Gent.*

*LONDON,*
Printed by the Assignes of *John More* Esquire. 1638.

*Cum Privilegio.*

# A TREATISE COLLECTED OVT OF the Statutes of this Kingdome, and according to common experience of the Lawes,

*& Chron. Concerning Jan. Brooks,*

# THE OFFICE AND AUTHORITIES OF CORONERS AND SVERIFFES.

*Together with*

An easie and plaine method for the *keeping of a Court Leet, Court Baron,* and Hundred Court, &c.

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# TO THE RIGHT HONOURABLE, AND my very good Lord, Sir HENRY MOUNTAGUE Knight, *Lord chief Iustice of the Kings* Majesties BENCH.

Right Honourable; whereas many wise and learned men have written of things that they have gathered by reading, I doe publish what I have practised, warranted by authorities in Law. And because the end of writing books is to benefit others, I know it will be acceptable to all that are not deepely studied, to make use of these things which I have collected: neither can it offend the best learned, to see that plainly set out, as it were by demonstration: which they by learning already understand.

The Office of a Coroner, the Office and duetie of a Sherife, and the Office of a Steward, and the manner of keeping of

Courts in Hundreds, Leets, and Baronies, are daily exerciſed by many, yet few know the true formes that are to be kept in keeping of theſe Courts: for their ſakes therefore I have undertaken this paines, and dare bee bold to ſay, that they ſhall not much erre, if they follow what is here in this Booke ſet downe, for direction for them therein. To your good Lordſhip, whoſe place is high in Iuſtice, and whoſe mind ſtudies the Common-wealths good, I have preſumed to dedicate this worke, moſt humbly beſeeching your Honours favourable acceptance and patronage thereof, ever wiſhing unto your honour a perpetuall continuance of all honour and happineſſe in this life, and heavenly felicity in the life to come: And even ſo being over bold to trouble your good Lordſhip, doe moſt humbly take my leave.

*Your Honors poore ſervant in all duty ever to command.*

**Iohn Wilkinſon.**

# A COMPENDIOVS TREATISE, WHEREIN is set forth the office and authority of a CORONER.

## The First Booke.

A Coroner is an ancient Officer of this Realme, and ordained to bée a principall preseruer of the Peace, and to carry the Records of the Pleas of the Crowne, and of his owne view, and of abjurations, outlawries, appeales, &c. And this definition of him is giuen by Britton an ancient writer, fol. 3. with the which agréeth the booke de tit' Coron' in Fitz. Nat' Br̄ pag. 186. where hee amplifieth his power more

largely, viz. That he should carrie Records of his owne view, Abiurations, Outlawries, Appeales, accusements of theines done before him, and of all nonsuits in appeales, and of all other things done in the County, that appertaine to the coroners office: and also in the court of freemen, which haue franchises of infangthef, &c. And in the presence of the Coroner shall al appeales of Robberie and Larceny bee framed. These things do declare the office of a Coroner to be an office of trust, and of great authority: and for that cause it is requisite that it be committed to a wise man, and of good behauiour, as it was wel perceiued by our ancient fathers and predecessors, & chiefly by those that made the statute of Westminst. the 1. ca. 10. which rehearseth, For that that people of small condition, & not of the wisest, be now lately chosen to the office of Coroners, and much better it were, that wise men, loyall, and sage, should intermeddle with that office, It is prouided, that through all Counties be chosen sufficient men to be Coroners, of the most loyall and most sagest knights, which best know, can or will attend to that office, and that they lawfully keep and present the pleas of the Crowne: And that the Sheriffes haue counter-rolles of the Coroners, as well of Appeales as of Enquests concerning Attachments or other matters appertaining to that office. And that no coroner shall demand any thing, or take any thing to execute

ecute his office, vpon pain of a great forfeiture to the King.

The Statute committeth this Office to Knights, and not to any others, and therefore it was held to be a maine cause to remoue and discharge a coroner from his office, if he be not a Knight: but Maller Fitzherbert in his Natura brevium in his writ de Coronator eligend' would not allow the same for a sufficient cause at this day, alledging, That those words were put into the Statute, to the intent that a Coroner should haue sufficient within the county to answer for all that he doth or ought to doe by his said Office.

Also this Statute requireth such a Coroner as can, will, and may attend to execute the said office. And therefore if such a Coroner be elected and chosen as cannot, will not, nor may not attend the execution of the same office, he is to be remoued and discharged by the Kings Writ from the same office: and the cause of his not attendance or insufficiency must bee rehearsed in the writ, viz. that he is occupied in other of the Kings affaires, or that he is not in health, or aged, or vnapt for the same Office, or that he is insufficient in lands, or that he hath the palsie, or that his abode is in the vttermost parts of the county, or that he is nominated Sheriffe, or Ranger of a forrest: but if any of these causes be vntrue, and the Coroner thereby discharged of his office by a false suggestion, Then he

may if he will goe to the Chancery, and there by petition pray a Commission to inquire of this false suggestion, the which if it be found, and returned to the Chauncery, then the King may grant a Supersedeas to the sherife of that county, that he remoue not the said Cozoner from his office, and if he be remoued before the Supersedeas come, then that he permit the Coroner remoued to execute his office as he did before his remouall, as it appeareth in master Fitzh. Nat. Br. in and by the writs de Corone elegendo, & de Electione veridariorum.

But it shalbe far more commendable for him that is chosen a Cozoner, that if he perceiue any of the said impediments to be in himselfe, that hee then doe purchase a writ to discharge himselfe from the said office, which writ hee shall find in the register, fol. 177.

This statute also willeth that no Cozoner shall take any thing for doing of his office, &c. for this purpose, that he wholly may be at liberty to do and execute iustice & right, & therefore within twelue yeares after, there was a statute made to punish their corruption and extortion, which is called Statu ũ Exoniæ, made the fourteenth yeare of E. 1 which you shall find in the booke called Secunda pars veterũ Statutorũ, by the which also it appeareth that a Cozoner ought to take nothing for executing of his office, which I find not altered by any statute vntill 3. H. 7. ca. 1. which giueth him in murder

13 s.

13. s. 4. d. of the goods of the murderer, if he haue any goods, but if he haue none, then the Coroner is to haue his Fee by amercing of the village for suffering the murderer to escape, & if any particular person shalbe found guilty of such escape the Coroner hath power to inquire thereof by the same statute.

But I find, tit. Corin Fitz fo. 321. & 371. that a Coroner hath a Fee belonging to his office, viz. of euery viſne one peny, when they appeare before the Iustices of an Eyre.

But that fee is not repugnant to the stat. of West. 1. for he receiueth not the same to do his office, but as a right due to him though that he executeth no part of his office, &c.

Also the stat. of 1. H. 8 ca. 7. prohibiteth a coroner to take any thing for doing of his office, vpon paine of xl. s. for euery default.

And also vpon like penalty, where he giueth not his attendance when he is sent for and required to make Inquisition vpon the death of any dead corps, &c.

And since the stat. of Westminster the first, it was ordained and inacted by a statute made An' 14. Ed. 3 c. 7. that no Coroner be chosen if he haue not lands sufficiēt in the same county wherewith he may answer all manner of people. This stat. is in the negatiue, and therefore the not satisfying of the same statute, is good cause to remoue him from his office, by the Writ before remembred, the which Writ

decla-

declareth how he shall be said to bee sufficient, and in what sort the same shal be examined, viz. if he haue lands in the county vpon the which he may dwell agreeable to his degree, for the exercising of the same Office.

Also after by another statute made anno 28. Ed. 3. ca. 6. it was enacted, That all Coroners of euery County should be chosen in the open counties by the freeholders of the said county, of the most conuenientest and most loyallst people that may be found in the said Counties, to execute the said Office: alwaies sauing to the King and to other lords their Seigniories and Franchises.

And note, that when a Coroner is chosen, he shall remaine officer till such time as the King hath otherwise determined his pleasure, or otherwise, that the King decease, and is not changeable euery yeere, as the sheriffes and escheators are, qd' vid. Hil' 4. E. 4. fol. 44.

Also when he is elected, the Sheriffe of the same county, or his vndersheriffe, must giue him his oath thus as followeth:

His Oath to the Supremacy.

I A. B. doe vtterly testifie and declare in my conscience, That the Kings highnesse is the onely supreame Gouernor of this realme, and of all other his highnesse dominions and countries, as wel in all Spirituall things or causes, as Temporall, and that no forreine Prince, Person, Prelate, State, or Potentate, hath or ought

ought to haue any iurisdiction, power, superiority, preheminence, or authority Ecclesiasticall or Spirituall within this realme: And therefore I do vtterly renounce and forsake all forraine iurisdictions, powers, superiorities, and authorities, and do promise that I shall from henceforth beare faith and true alleageance to his Highnesse, his heires and lawfull successors, and to my power shall assist and defend all iurisdictions, priuiledges, preheminences, and authorities granted or belonging to the Kings Highnesse, his heires and successors, or vnited and annexed to the Imperiall Crowne of this Realme. So God me helpe and the contents of this booke 1. El. ca. 1.

YOu shall sweare that you well and truely shall serue our soueraigne Lord the Kings Maiesty, and his liege people, in the office of a Coroner, and as one of his Maiesties Coroners of this County of Southampton, and therein you shall diligently and truely doe and accomplish all and euery thing and things appertaining to your office, after the best of your cunning, wit, and power, both for the Kings profit, & the good of the inhabitants within the said county, taking such fees as you ought to take by the lawes and statutes of this realme, and not otherwise. So helpe you God and the holy contents of this booke. And so let him kisse the booke to affirme his Oath. His Oath for the due execution of his Office.

First,

First, when he hath notice to take the view of the body of any person slaine either with his will or against his will, he must then make his precept to the Constables and Tithingman of the hundred where the party lieth dead, to summon a jury to appeare before him at a day and a place certaine, to enquire thereof vpon a pain of xl.s. before remembred. And the forme of his Precept is thus: viz.

South. By vertue of mine office these are in the K. Majesties name to will and require you immediatly vpon the receit hereof to summon and warn 24. able and sufficient men to be and appeare before me at A. the x. day of Febru. next comming after the date hereof, or to morrow being Tuesday the x. of F. at the towne hall there, if there be any, or at any other place certaine, then and there to doe and execute such things as on his Majesties behalfe shal be giuē them in charge, whereof faile you not, as you and euery of you will answer the contrary at your perils. Dated vnder my hand and seale this ninth of February, ann' Dom̄. 1638.

Per me Io. W. unum Coron' dom̄.
Reg' com̄ præd'.

To the Constables and Tithingmen of the Hundred of B. in this behalfe, joyntly and severally, greeting.

And

AND when he cõmeth to the place appoin-ted, he must then call for the Constable & Tithingman to whom he did direct his warrãt for their returne, and when he hath that, then he must cause one of them, or some other for thẽ to make 3. proclamations or oyes, & call the ju-rie thus: You good men which be returned to appeare here this present time, to inquire for our soueraigne Lord the King, answer to your names as you shall be called euerie man at the first call, vpon paine and perill that may fall thereon. This done, when you haue a full jury of 14. or 15. call the foreman to the Booke, and sweare him thus; You shall duly inquire, and true presentment make of such things as shall be giuen you in charge, according to your euidence, so helpe you God, and the contents of that Booke.

Then call the rest of the jurie, and sweare them by foure at once, and sweare them thus:

ALl such oath as A. B. your foreman hath taken before you on his part, you and e-uery one of you shall wel and truly obserue and keepe on your parts, so God you helpe, and the contents of that booke.

And when they are all thus sworne, cal them againe, and let the crier count them after you, and then bid them stand together and heare their charge.

Then

Then begin your charge thus:

The Charge.

Sirs, you that bee sworne, you shall understand what the cause of our meeting is here now at this present, It is to inquire and present or find, how A. B. came to his death: for when any man, woman, or child doe come to their death by any casualtie, or untimely meanes, then the King hath appointed Coroners in euery County to inquire thereof by the oathes of men: And therefore by vertue of mine Office, I haue caused you to be called hither, and haue impannelled and sworne you to that purpose, to the end the King, & his immediate Officers may be truly certified how and by what meanes he hath lost his subject: therefore now your charge is, to inquire how and by what meanes the said A. B. came to his death that a true record may be made thereof: If he was slaine in fight, then you must enquire by whom, when, and where, and in what maner, and with what weapon, as neere as you can, and what goods, cattels, lands or tenements the offendor had at the time of the fact committed, or at any time sithence, and whether he be fled for the same or no: for I must tell you that Coroners haue authority to enquire by their office of all maner of homicids and slaughters of men, especially aboue all other things, and that by the oathes of men super visum Corporis, and not otherwise: And these homicides and

and ſlaughters of men are of diuers kindes or degrées, but they are all apprehended within two kinds, viz. ſpirituall homicide, and corporall homicide: the firſt is the ſlaughter and deſtruction of the ſoule, which is Gods part, if he die in the faith of Chriſt: and the other is the ſlaughter of the body, which is the Kings part, that muſt take his end by the due execution of Juſtice for the offence committed againſt the Law: and a corporall homicide is two fold, that is to ſay, Lingua, & Facto; Lingua is thrée fold, viz. in commanding, in giuing of counſell, and in defending: Facto is 4. fold, viz. in execution of juſtice, homicide willingly done, homicide done by chance, and homicide done by neceſſitie: homicide done by juſtice, is when a man is juſtly condemned and executed for his offence: homicide willingly done, is either murther, or at the leaſt manſlaughter: homicide done by chance, is by ſome accidentall meanes, as where one is killed by caſting of a ſtone vnawares, or ſhotting of an arrow, or ſuch like, and killeth one againſt the will or intent of him that caſteth or ſhoteth: And homicide of neceſſity is when a man cannot chuſe but hée muſt either kill or be killed, and that will bée taken to bée in his owne defence: then there is homicide inuitable for the aduancement of Juſtice; And that is where a ſherife or other officer by warrant purſues a Felon which will not obey or yéeld himſelfe, but offereth violence, and ſo

is

is killed in apprehending, or where a man killeth a theefe which would robbe him: In these cases he which committeth such homicide shall be acquitted, & neither lose life, lands, nor goods for the same. There are other homicides which are no felony, & that is where a mad man either kils himselfe, or any other person when hee is mad, or where a child is killed in the mothers belly not in rerum natura, and that for 2. causes, viz one because it had not the name of baptisme, & the other because it cannot be certainly knowne whether the mother killed it by some other meanes or no, but if an Infant of 9. yeares old kill a man, woman, or child, if such Infant then know good from euill, it is felony in such an Infant, and that will be wel known and perceiued by the answer of such an infant to such questions as may be demanded of him: or here also if a man take vpon him to be a phisition or a Surgeon, and not allowed to vse and practise such faculty, if he take vpon him a cure which dieth vnder his hands by his ignorance, it is held to be felony in such phisition or surgeon. Also if a man keepe a daungerous beast, as a bull, a beare, a dog, or such like, hee knowing them to be dangerous, and yet doth not keep them tied, but wilfully suffereth such beasts to goe at large without a keeper, if such beast kill a man, woman, or child, it is held to bee Felony in the owner of such Beast. Also there is another kind of homicide, which is

a kind

a kind of murder called felo de se, and that is where one hangs, or kils, or drownes himselfe for lacke of grace: for as it is murder and felony for one man willingly and wilfully to kill another; so likewise it is murder and felony for a man to kill or drowne himselfe willingly and wilfully, yet they are not both in one case, and predicament: for the first doth forfeit by that fact both his lands, and his goods, and the other forfeits but goods and cattels, and no lands. There is also another kinde of homicide, not done by man, but by some casuall meanes, and that is called homicide by misaduenture or misfortune, by a horse, or a cart, or a bough of a tree, or such like: and in this case, omne quod mouet cum eo quod occidit hominem deodand' est domino Regi, and it is forfeit to the Kings Amner vnlesse the King or his progenitors haue formerly granted the same away to some Lord of a liberty, as they commonly doe, then if it happen to be within such liberty, it belongs to the Lord of the Liberty. But if any of these homicides fall out to bee wilfull murder, which is a most bloody and a crying sinne, and cannot be too seuerely punished, and therefore by the Law, the offendor herein ought to lose both life, lands, and goods, an eye for an eye, and a tooth for a tooth. And if manslaughter, if the offendor can read well, then he may in fauour of life, by the Kings mercy, haue the benefit of his Clergy, and so saue his life, but

he shall lose and forfeit both his lands & goods, and yet the Law of God not therein satisfied: The goods must be found, appraised, and valued, of such offendors, and left in the Township or Village where such offendor dwelleth, by them safely to be kept, vntill the offendor be acquited or conuicted by due course of law; in the meane time the offendor must be maintained with his goods, so as he may be kept aliue to answer his fact, and what shall remaine when he is conuicted, those to whom such goods doe belong by the Law, must haue them, and not before, and thereof discharge the towneship or Village which had the custodie of such goods. And as for the offendors free land, if hee haue any, immediatly after conuiction, the King must haue annum, diem, & vastum therein, and after the Lord of whom it is holden shall haue it as an escheat. And thus hauing discoursed at large of all these things incident to my office for your instruction, I will make an end and trouble you no more at this time: and so you shall heare your euidence.

Then if the euidence be ready, they must be called and sworne thus:

THe euidence that you shal giue to this enquest, shall be the truth, the whole truth, and nothing but the truth, so helpe you God, and the contents of this booke.

And

And if the euidence be not ready, then you must appoint the Iury a day and a place to come to you to receiue their euidence, and least they or any of them should faile to come to the place at the time appointed you may bind them by recognisance in x. li. or xx. li. a piece, and in the meane time you may send your Warrant for the witnesses to come before you to be examined, and to deliuer their knowledge concerning the matter in question, and be sure to take their examinations in writing vnder their hands, and if it be about the triall of any mans life, thē you must bind ouer all the witnesses in xx. li. a pēce at the least, to appeare at the next Assises then following, to deliuer their knowledge therein viva voce, if they shalbe thereunto required.

The forme of which Recognisance is thus:

Tertio die Oct' an' Reg. Ia. &c. xv. 1617. South.

Iacobus S. de B. in com̄ præd' cognovit se debere domino Regi xx.l'.

Sub conditione.

That if the said I. S. do personally appeare before the Kings Majesties Iustices of Assise and Goale deliuery, at the next Assises to be holden at the castle of W. for the said County, and then and there deliuer and set forth his knowledge touching the death of A. B. and doe not depart thence without licence of the said Court, That then this present Recognisance

to bée void and of none effect, or else the same to stand, remaine, and continue in force, strength, and vertue.

Capt. & cogn. 3. die O. ann. 1617. præd' coram me I. W. gen. una coron. dom̃ regis com̃ prædict.

*I. W.*

Of wilfull murder.

This offence is the highest and greatest offence that a Coroner is to meddle withall by his office, and it is defined by Bracton to be Extraneorum & notorum hominum occulta occisio manu hominum nequiter perpretrat̃ qui nullo sciente aut vidente sit fact' preter solum intersectorem & suos coadiutores adeo ut nullus statim insequatur clamor popular̃, &c. And so ye may see how that Englechery id est q̃ Anglicas est, &c. was presented in ancient time vntill the fourtæenth yéere of E. 3. At which time by a stat. made 14. E. 3. c. 4. the presentment of Englechery was wholly abrogated and adnulled, the letter of which stat. is thus. viz.

Item, for that there are many mischiefs happened in many countries in England, which knew not how to present Englechery, for which cause the commons of the counties oftentimes were before the Justices in Eyre amerced to the great grieuance of the people, It is therefore agréed that at no time hereafter any Justice of any Eyre shall put any article or oppos-

oppoſition preſenting Englechery to the commons of the counties, nor againſt any of them. But that for euer Englechery and the preſentment thereof to bée wholly omitted and made void; ſo that none for this cauſe be from henceforth impeached: By the words of this ſtatute it appeareth that the preſentment of Englechery was ſo diuers by the diuers cuſtomes of ſeuerall countries, that the countries knew not well how to ſatisfie the Iuſtices in the preſenting thereof, but for the vndue preſenting thereof, they were often amerced and ſore grieued: And yet Bracton ſaith, Quoniam in diuerſis comitatibus diuerſæ preſentatur Englicheria inquirend eſt in omni itinere ab initio quæ ſi conſuetudo eam præſentandi. Alſo hée putteth there in his Booke many things which excuſeth the Country by the Common Law from that amerciament or payment of lxvj. markes, for hée ſaith in this manner, Epenſatur quandoque &c. And that that alſo was the common Law appeareth in Britton fol. 15. which agréeth throughout with that which Bracton hath here written, the which common law is changed as I haue ſaid before by the ſaid Statute made in the 14. yeare of E.3. wherefore a man at this day may define murder in other manner than Bracton and Britton did, viz. It is murder when any man of malice prepenced killeth another felonioully, hauing no regard whe-

ther hée kill him openly or secretly, or whether he be an Englishman or not, so that hée liue in the Realme vnder the Kings protection, and homicide that is done in such manner is called murder at this day: for the name of murder was not at any time changed, but the Law retained the same continually, for the haynousnesse of the crime, to put a difference betwéene homicide by chaunce-medley and murder: And therefore if a man be indicted of murder, at this day, a pardon of all Felonies will not helpe him, and that is by the Statute of 13. R. 2. cap. 1. the letter whereof you may sée hereafter: And also the Statute of 1. Edw. 6. cap. 12. which insueth, videlicet, Prouided also, and be it enacted by the authority aforesaid, that all wilfull killing by poysoning of any person or persons that at any time hereafter shall bée done, perpetrated or committed, shall be adjudged, taken, and déemed wilfull murder of malice prepenced, and that the offendors therein, their ayders, abettors, procurors, and counsellors shall suffer death, and forfeit in euery behalfe, as in other cases of wilfull murder of malice prepenced.

Manslaughter is where one killeth another hauing no malice prepenced so to do, yet it is felony, and he shall lose his lands and goods, and his life too, if he cannot read well, as is said before in the charge: The which thing

Of manslaughter.

thing if a mad man doe, it is no felony in him, nor he shall not be arraigned for it, when hée is of good memory, as it appeareth in Fitzh. fol. 33. and 21. Hen. 7. tamen in the Eyres of Northampton in 3. E. 3. It appeareth there, that hée should purchase his pardon of course: And with that agréeth 26. li. ass. And the same Law which serueth for a man lunaticke, serueth for a man that is deafe, & dumb, as yée may finde in the same plea. And if one of the age of 12. yeares or more, kill another, that is felony: the same Law is if hée bée but nine yeares olde at the time of the killing; so that it may bée perceiued that he vnderstandeth good from euill, as by his excuse, or by any act done since the killing, videlicet, in hiding the dead corps in any secret place to the intent it should not be found, and knowne, Quia in tali casu malitia supplebit ætatem, ut patet 3. H. 7. & tit' coron' 51. And there they respited execution of him to the intent they might procure his pardon: And Bract. said in those cases of Lunatickes, and of the infant, Qd' alterum consilij inopia tuetur, Alterum facti imbecilitas excusat.

And if a Surgeon or a Physition allowed, haue one in cure, which dyeth presently after, or within a short time after, that is no felony, for that he did nothing feloniously: but if hée killed him with Physicke or Surgery, it was done against his will, quod

vide titulo Coronæ 163. & Britton fol. 14. c. Contr.

Also if a man haue a bul, a beare, or a dog, which is accustomed to do hurt, and his maister or owner well knowing the same, yet do not tye him vp but suffer him to goe at large, and being so at large, hée killeth a man, this is held by Fitzharbert, 311. to bée felony in the Owner of the beast, by reason of the sufferance, for thereby the Owner séemeth to haue a will to kill: And note that in ancient time, the will was so materiall, that the same was taken for the fact, ut patet titulo 1. E. 3. where one compassing the death of another, woundeth him so grieuously that hée leaueth him for dead, and afterward flyeth, and the man wounded reuiueth: And yet notwithstanding, it was then adiudged to be felony, in so much as the will appeareth to haue killed him, voluntas reputabitur pro facto. And with the same agréeth Bracton, who saith, in maleficiis spectatur voluntas, & non exitus, & nihil interest utrum quis occidat an causam mortis probeat. But this law is not now in force, for hée must bée dead indéed before it bée adjudged felony. And if a man hurt another with an intent to beate him, but not to kill him, yet notwithstanding if hée dye of such beating, it is felony in him that so did beat him, wherefore at this day a man may conuert the text to Bractons opinion, and say, Quod exitus in maleficiis spectat & non

non voluntas duntaxat, as in the case next before &c. vide titulo memorato, where for the malicious words of a woman 2. men fought and the one killed the other, the woman in this case was arraigned of the death of him that was slaine: The like case if three men go together to make a diffame, and one of these three doth kill a man, the other two in this case are taken to be principall felons, and yet they did it not of any euill will, but onely came in one company together, quod vide titulo Fitz. 350. So that many cases may bee found ubi exitus spectat, & non voluntas duntaxat, as before is said, wherefore to conclude, wee may say that the will vnlesse the fact insueth the same, maketh no offence at this day, but in treason giuen by statute, &c.

It is a generall opinion, and commonly agreed vpon, that if a man haue judgement to be hanged, and commandement giuen to the Sherife to see execution done according to the judgement, if the Sherife after of his owne authority doe behead the prisoner which was appointed to be hanged, then this is felony in the sherife, because the order of the Judgement is not obserued, in putting the prisoner to death: The same law is, if one that is not the sherife will kill a prisoner as hee is going to the gallowes to be hanged, of his owne head, and authority, ℣ vide 35. H. 6. And for this felony the wife of the prisoner may haue an

appeale

appeale against him that killed her husband: But Scrope is of opinion, that it shall be otherwise, if he that is killed be attainted by outlawry, as it appeareth 2. E. 3. where he that is indicted alledgeth that he for whose death hée is indicted was and is outlawed of felony, Scrope, It may hée that that outlawry is reuersed, or that he had his charter of pardon, wherefore thereof he must make search, & send into the chancery to vnderstand there, if hée had a charter of pardon, and in the meane time he shall bée let to baile till a certaine day that the truth be knowne: and he said further, that if he found that the outlary was not reuersed, nor that the prisoner had not any charter of pardon, that then the def. shall not answere any further but bée discharged of the indictment: Also it séemeth to be lawfull for any to kill a man attainted in a Præmunire, because the Statute of 25. Ed. 3. ca 21. de proditionibus willeth that a man may doe against them, as against the Kings enemies without any impeachment, &c.

Of homicide done by necessity inevitable justifiable.

A Sheriffes Bailife, or any other Officer, that hath warrant to arrest any man that is indicted for felony, may justifie the killing of him, if hée will not suffer himselfe to be arrested, but in such sort standeth in his defence, that the Officer cannot arrest him without killing of him, in this case the Officer shalbe discharged without suing forth of his pardon of

course,

course, vt patet 22. lib. Ass. & 22. E. 3. where Thorpe saith, that any man may take and arrest a théefe, and if he will not yéeld, but stand in defence of himselfe, or els flye, in such case he may kill him without blame, ergo hée that hath no warrant aswell as he that hath a warrant, by this authority may kill & justifie. And there he reciteth that where a Gaoler came to the Gaole with a Lanterne in his hand, to sée his prisoners, which had broken their prons; and standing all ready to haue killed him, they beate him, and wounded him very sore, but killed him not: and he hauing a hatchet in his hand, therewith hée killed three of the prisoners, and being called in question for it, was discharged thereof, for it was adjudged by all the Councell, that the Gaoler had done well &c. And therefore note yée, as a man may justifie the killing of a man before an arrest, euen so he may iustifie the same after an arrest, so that the same doe arise vpon an ineuitable necessity, as before is said. And therefore one is arrested of felony, and as he is carying to the Gaole, he maketh debate and flyeth, and the other in such sort pursueth him, that he cannot take him againe without killing of him: this maner of killing is justifiable, qd' vide 3. E. 3. &c. And the case is there, That a man did flye to a Church for felony, and after in the night he went from thence, and the village that did watch him in the Church did pursue him

and

and killed him, for that hée would not yéeld himselfe, and it was allowed as well done, tamen eodem titulo 2. Ed. 3. Lowth doth doubt of this killing, in that it may bée that hée that was arrested was not guilty of the felony, although he was indicted thereof: and nothing like the case where one is pursued vpon a robbery done, and the théefe killed. But by the bookes aforesaid it appeareth that such killing is not felony, nor that any thing shall be forfeit for the same, nor that any pardon is néedfull, sed vide ibid. fol. 344. that in that case it is finable, and a fine of xl. s. was paid for the same, sed quær̃ whether the same was for the killing, or for the escape. And note, that if hee which killeth another by reason of any matter inevitable vt supra to be found before him by reason of any jurisdiction that he hath to inquire of felonies, hee shall not be discharged vpon such indictment found, vntill such time as he be arraigned vpon the same, and the matter also found by verdict, vt patet ejusdem titulo, for that he himselfe was Judge thereof. Otherwise it is if the finding of the same bee before other commissioners, vide le Statute de malefactoribus in Parcis, made the one and twentieth yeare of E. 1. which giueth power to Forresters, Parkers, and Warrenners to kill the offendors if they will not be justified, &c.

As for example: Many doe come to burne my

my house, my selfe being within the same, and they compasse about the house, but they burne it not; and I shoot out of the same house and kill one of them, this is not felony, ut patet 26. lib. Ass. The same law is if they come to my house and robbe me, and my boy or my man that is with me in my house killeth one of them, qd vide in Fitzh. titulo Coron' 3. E. 3. per Lowth & ibidem pag. 505. where is was presented that a man had killed another in his owne house defending himselfe, and it was demanded of those that made the presentment if hee that was so slaine did come to robbe him, for in that case one man might kill another, though that it be not in defence of himselfe, &c. And in all such like cases a man shal go quit without any forfeiture, or without expecting the Kings grace, in that my house is vnto me as my Castle, out of which the Law will not constraine me to flye, &c. The same Law is if one come vnto mee when I am out of my house, and will robbe me, wherefore I kill him: for in 26. libr. Ass. the case was that a theefe assailed a man in his ship, and he pursued him so hardly, that the man killed him, and generally it was affirmed that the man should bee discharged and quit without pardon. And note well this latter booke, for that maketh expresse mention that hee shall goe quit without pardon: but the other bookes speake nothing neither of pardon, nor yet of the forfeiture:

Homicide in a defending of a mans house and his goods against theeves, lawfull & justifiable for the vrgent necessity therof.

where-

wherefore it may bee doubtfull to some, whether hee shall forfeit his goods, and whether it shall be needfull to haue a pardon or not, and therefore to take away all doubts, a statute was made Ann' 24. H. 8. the letter whereof is this, Forasmuch as it hath beene in question and ambiguity, that if any euill disposed person or persons doe attempt feloniously to robbe or murder: and so see the statute at large, that it is lawfull to kill him.

How necessity shal be interpreted in homicide in defence of ones selfe.

Note, that the necessity ought to bee so great, that it ought to bee esteemed not auoidable, or otherwise hee shall not be excused, for in this case yee haue not to doe with, as in the case before, but with a iust man. And whether the person that is so killed, or the person that doth kill, doth begin the affray it is not material, but the whole matter consisteth in the necessity inevitable, without which the killing by any meanes is not excusable: wherefore to make a definition of homicide done in a mans owne defence, we must say that properly it is when A. doth make an affray vpon B. & hurteth him, and A. flyeth as much as he can for safeguard of his life, so that he is come to a strait, beyond the which he cannot fly, & A. continueth, whereby B. hurteth and killeth him: this is called homicide in a mans owne defence. For if B. might haue auoided the same & did not, but when A. had hurt him, he then had hurt A. againe euen to death, then was it manslaughter, and so felony

ny in B. ut patet in Firzh. 226. But when A. hurteth B. B. hurteth him againe but not deadly, and afterward B. flyeth, ut supra, and A. purſueth him till that he commeth into a ſtrait ut ſupra, and then B. doth kill him, that is not felony, but in his owne defence. And ſo ye may note, that although B. gaue to A. diuers woũds, that is not materiall, becauſe he flieth from him aſmuch as he cã before he giues to A. the deadly wound. And that ye may ſée in les Eyres of North. &c. 3. E. 3. And Bract. hath a caſe for the confirmation of this law, Iure euenit ut quod quis ob tutelam ſui corporis fecerit, jure id feciſſe exiſtimatur. And note, that it appeareth before in 43. li. aſſ. before noted. And it is not a ſufficient verdict to ſay that the priſoner killed another in his own defence, but they ought to ſhew the matter, eſpecially in what manner it was done. And although that it be ſpecially found vpon the indictment, yet not withſtãding he ſhal not thereby be diſcharged vntill he haue purchaſed a charter of pardon for the ſame, the which is a confeſſion by amplification of the indictmẽt, or elſe otherwiſe wholly to eſtrange himſelfe from the fact, & to plead not guilty, and ſo to be found. And this is ſo done to the intent to induce the forfeiture of his goods, being forfeit by the ſame offence, ut patet 4 H. 7. And where the Statute of Glouceſt. cap. 9. ſaith, that hée ought to put himſelfe vpon an Enqueſt de bono & malo, that it is to be vnderſtood

stood when hee is indicted of murder, or homicide, and not where in the indictment the speciall matter is found: for to such an indictment of murder or homicide, it ought to be pleaded not guilty: for to plead the speciall matter, viz. that he killed him in his owne defence, it is no plea, in that it should bee as a justification, whereas such kinde of homicide is not in any maner justifiable, wherefore he ought to plead not guilty, and then that speciall matter found by verdict shall giue him aduantage, &c. Contrariwise it is in trespasse, for there the party shall not take aduantage of a justification found by verdict, if it be not pleaded by the party. And so note, that hee shall not bee discharged of this speciall matter, till such time as hee hath purchased his pardon, or else bee acquited thereof by verdict: and then his discharge shalbe in this manner, viz. if he require to purchase his pardon, he shall first be letten to mainprise, and then he shall sue forth his writ of Certiorari directed to the Iudges of Assise, before whom the indictment lyeth, to certifie the Record to the Chancelor of England, who will make him a Charter of pardon in such a case of course, without speaking to the King for the same. And yet the Statute of Glouceſt. saith, that the Justices ought to make the King priuy of the same, and that the King therein should shew him the grace if it so pleased him: but the making the King priuy thereof

thereof is to be vnderstood the Certificate of the same made to him in his Chauncery is sufficient for that in the law he is alwaies said to be there present, &c. And for these matters vide tit. 44. E.3.15.E.3 15. & 3.E.3. where it is said, that when a man is acquited before the Iudges of Assise, of the death of a man in his owne defence, hee shall haue a writ from the chiefe Iustice, within which shall be contained the whole Record of his acquitall, to the Chauncellor, who will make his Charter of pardon without speaking to the King, &c. And note ye before that in the Eyres of Northampton the Iurie did finde that he fledde for the felony, for which cause he shall forfeit his goods, quasi diceret that hee should not forfeit his goods vnlesse such a flying away had beene found: but the Law is not so as it appeareth, 44. & 15. E. 3. & 1.H.7. before noted, wherefore wee are to thinke, that the inquiry of a flying was surplusage and void, &c. And consider well the words of the Statute of Glouc̃ester which be these: It is ordered and agreed that hereafter no Writ shall issue out of the Chancery to inquire for the death of a man, if a man hath killed another by misaduenture, or in his owne defence, or in any other manner without felony, but hee shall bee imprisoned vntill the comming of the Iustices of Gaole deliuery, if he cannot find pledges for his appearance before them, and then hee shall put

himselfe to his triall by the country de bono & malo, And if it be found by the country that he did the same in his owne defence, or by misaduenture, then the Justices of All. are to certifie the K. thereof into his Chancery, and from thence he shall haue his pardon of the K. grace. This Stat. maketh mention of Justices errant, and of Justices of Gaole deliuery: wherefore it seemeth that if any bee indicted before them, that hee killed one in his owne defence, that that indictment is as good as if the same had beene found before the Coroner, vpon the view of the dead body, otherwise it is if such indictment be found before Justices of P. for that they haue not any authority to take any such indictment. And note, that it appeareth 44. E. 3. before cited, that there is one case where one shalbe killed by chancemedly, and yet hee that killeth him shall not forfeit any thing: As if A. striketh B. to the ground, and thereupon A. draweth his knife to kill B. and B. lying vpon the ground draweth his owne knife, and A. is so hasty to kill B. that hee choppeth himselfe vpon the knife which B. had in his hand, and so A. was slaine, And it was adjudged in this case, that the said B. was not culpable of the death of A. nor shall forfeit his goods, because A. in a manner killed himselfe, &c. And as it is in the Eyres of North. before pag. 286. and 297. there is a case not much vnlike to this case, which hath a con-

a contrary iudgement, and yet if collation be-tweene them bee made, yee shall finde that they are not both alike, for there hee did not lye vpon the ground, but stood vpon his feete, insomuch that hee might haue made other defence for the sauing of his life then the other could that did lye vpon the ground, And the case there was this, viz. A. did strike B. and B. did flye till that hee came to a strait, as it is aforesaid, and then B. perceiuing that A. would kill him, did hold a pitchforke betweene him and A. and A. was so fierce that hee ran vpon the pitchforke, and so was slaine: and yet notwithstanding this matter, B. was put to purchase his pardon of course, and besides forfeited his goods, &c.

Homicide by misaduenture or misfortune.

And that is if a man without any euill intent cast a stone or shute an arrow whereby one is hurt vnawares and slaine, going to the market or about any other necessary and lawfull businesse, this maner of killing is homicide by misaduenture, for the which the offendor shal haue his pardon of course in the like sort as before in the case where a man shall haue it for killing of a man in his owne defence. And that is by the said Stat. of Gloc. ut pat 3. E. 3. and hee shall forfeit his goods, as before in the case of killing a man in his owne defence, vide the Statute of Marlebridge cap. 15. that saith, Murdrum de cetero non adjudicetur coram Justiciar vbi infortunium tantum

modo adiudicat' eſt, ſed locum habeat murdrum de interfectis per feloniam tantum & non alit'. By which Statute it appeareth, that miſaduenture by the Common Law was adiudged for Murder, But that ought to bee with a diſtinction which Bracton hereafter hath made, That is to ſay, where one hath done a thing lawfull and where not, for if hee haue done an vnlawfull thing, and if any miſaduenture doe thereof inſue, whereby any one is ſlaine, that is felony at this day, if it be not murder, And therefore if A. ſtrike B. and C. comes betwéen them to part them, and is deadly wounded by the ſaid A. or B. without any euill intent, yet notwithſtanding if C. vpon that hurt doe dye within a yeare and a day next after ſuch hurt giuen, it is felony in him which hurt C. and not a miſaduenture, for that the fact which A. and B. did was vnlawfull, ut pat' tit' Coron' 22. libr' Aſſ. And if A. and B. did intend one to kill the other, then it is felony in them both ut pat' 22. E. 3. And note that the ſame order is to be obſerued in pleading, the verdict, forfeiture, and pardon of one that killeth any by miſaduenture as is aforeſaid, to be of one that killeth another in his owne defence, and the ſaid Statute of Glouc. extendeth as well to the one as to the other.

Homicide called Felo de ſe.

Bracton defineth felo de ſe in this manner, viz. eodem modo ſicut poteſt quis feloniã facere interficiend' alium, ita feloniam facere poteſt inter-

interſciend' ſeipſam, feloniam quidem facit de ſeipſo qui rei alicuius crimen' capt' ſit pro eod', ut prote pro morte hominis vel cum furto manifeſto, vel qd' utlagat' ſit vel in aliquo ſcelere vel maleficiis deprehenſus & motu penæ imminentis mortem ſibi conſueueret, hærædem non habebit qui ſic convincerit felonia prius fact' viz. furtum, mors hominis vel huiuſmodi & conſcientia metus in reo pro confeſſion' habet, Agréing to Bracton, yée ſhall ſée the booke titul' Coron' in Fitz. 259. where a felon of himſelfe ſhall forfeit his lands, But whether hee had before he killed himſelfe committed felony or not appeareth not by the book, ideo quær' if this diſtinction that Bracton hath made, bee Law at this day, for it appeareth in diuers other bookes, that a felo de ſe ſhall forfeit his goods onely, and no lands, as pag. 301. 362. 420. tit' iam dicto, and there alſo it appeareth, pag. 324. That if one that is franticke from day to day, doe kill himſelfe, that ſuch a man ſhall forfeit no goods or chattels, but otherwiſe it is if he be not franticke from day to day, but onely at ſome times, Alſo there pag. 244. was preſented, quod quidam lunaticus percuſſit ſeipſum cultell' ſuo et poſtea recuperavit de infirmitate ſua & habuit iura eccleſiaſtica & obiit ration' plagæ quam accepit. Catall' eius non fuerunt forisfact', the contrary whereof yée ſhall finde pag. 142. But the Law is cléere, that if a man which is of good memory, committeth the

ſame fact in ſuch manner and afterward recouereth, and yet notwithſtanding dyeth of the ſame plague that he gaue to himſelfe, he in that caſe ſhall forfeit his goods, vide ibid. the caſe pag. 94. that was before remembred, That is to ſay, where A. ſtriketh B. to the ground, and thereupon A. plucketh out his knife to kill B. and B. lying vpon the ground plucketh out his knife, and A. is ſo haſty to kill B. that he choppeth himſelfe vpon the knife of B. and ſo is ſlaine, in this caſe A. is a felon of himſelfe, and that caſe agreeth with Bracton heretofore.

Homicide not cõmitted by mã, but by ſome caſualty wherof cõmeth deodans.

Deodand eſt where any perſon commeth to his death by miſaduenture of any thing that ſhall fall vpon him, or by miſaduenture of a fall that he taketh from a Cart or a horſe, or any other thing, the ſame not being occaſioned by any other perſon, the thing that ſo occaſioned the death ſhall be forfeited, and taken as a deodand to be diſtributed in almes, for the benefit of the ſoule of the dead perſon, And note that it is not materiall whether the thing that killeth him bee moouing at the time that he was killed or not, for although that it bee not moouing, yet notwithſtanding it ſhall bee called a deodand as well as that which was there moouing, as it ſhal be hereafter expreſſed, And therefore when you ſpeake of a thing moouing, that is only to this intent, viz That all things moouing with the thing which is the occaſion of the death, ſhall be forfeited, as well

for

for a deodand, as the principall thing, qđ vide tit Fitz 403. ubi dicitur quod omne qđ movit cũ eo quod occidit hominem deodanđ est domino Regi vel feodo Clericũ. and therfore ye shal find ibiđ pag. 398. where a man did cut downe a tree the which did fall vpon the bough of another tree, which bough did fall vpon a man and killed him, and was adjudged that as well the tree as the bough should bee a deodanđ, And the same Law is, where a man doth ride vpon a cart, and the cart falleth vpon him and killeth him, here as well the horses which drew the cart, as the cart it selfe, shalbe deodans, ut pat ibid. pag. 388. and yee shall find, pag. 397. That a man being vpon a cart loaden with fagots, & ligando eam cecidit motione unius equi in eadem carma existens per qđ obiit, and the horses and the cart were adjudged for deodans. Also pag. 405. A beame on which did hang a bell, did fall vpon a man and killed him, the bell as well as the beame were adiudged for deodans, non obstante quod fuerunt bona ecclesiæ, sed tamen de gratia & honore ecclesiæ capitalis Iustic' redonavit. Et pag. 326. A man falleth out of a Cart loaded with Hay, and the wheele of the Cart doth breake his legs, whereof he dyeth, and the Hay was adjudged to be a deodand as well as the Cart, tamen pag. 342. A man falleth out of a Cart, and breaketh his necke, as hee was loading of it with straw, by the moving of the horse,

the horſe and cart were all adjudged deodans, and not the ſtraw, by reaſon that the ſtraw was not the occaſion of his death, quere differentiam, &c. Et pag. 401. quidam equitando equum ſuum, ſe ſubmerſit equus adiudicat deodand, &c. Hitherto we haue ſpoken of things mouing, which doe cauſe deodans, Now let vs ſpeake of things not mouing, and yet ſhall bee deodans. Vide titulo iam dicto pag. 409. Where a Carter clyming vpon one of the wheeles of his cart to gather plums, and falleth from the cart whereby he dyeth, Et quia teſtatum eſt quod nec equi nec carecta movebant ſe, ideo tantum tota deodand eſt domino Regi, &c. The ſame Law is, where a man doth fall into a pond of water, which water carryeth him vnder the vtter wheele of a Mill, by which wheele hee was oppreſſed and killed, and the wheele onely in this caſe was adjudged a deodand, vt patet ibidem pag. 389. Vide ibidem pag. 348. where it is ſaid, if a man fall from a load which is worth a C. pound, by the which hee receiueth his death, all the ſame ſhall be a deodand. And alſo it appeareth by theſe caſes, that deodans ſhall bee as well of things that moue vnder a man and kill him, as of things which doe not moue, but the man all moueth himſelfe from them, And note, that before it is ſaid, that all things mouing with the thing which is the occaſion of the death, ſhall be forfeited. So in like manner,

ner, all things not moving with the thing which is the occasion of the death shall not be forfeited, as in part you may perceiue by the case of the cart and straw before cited, Et titulo Forfeitures in Fitzh. 12. R. 2. wherein quædam massa terræ cecidit super hominem & ipsum oppressit in such sort that he dyed, and it was adjudged that the said masso terræ onely should bee forfeited, and not the hole or pit where he was killed, The same Law is where a man falleth from his horse, and quasheth his head against a blocke, whereof he dyeth, the horse onely shall be adjudged for a deodand, and not the blocke, in that it moued not at all, qđ vide ibidem pag. 341. And also Britton titulo Coron' fol. 6. saith that if a man fall out of a ship sayling, nothing is the occasion of his death but onely the shippe, and yet the things moving may bee said to bee the causes of his death, the merchandise lying at the bottome is not any cause of his death. This ship so sayling ought to be vpon the fresh water, &c. for if it should bee on the salt water, it seemeth that it should not be a deodand, as it appeareth by Bracton titulo Murder, who saith there in this manner, non deodand est navis nec battellus nec alia catall' aqui sub merci sunt in mare nec in falsa nec wrecum erit cum sit qui catall' a diceret & dicere possit, Et nota, that it seemeth to one by the bookes before pag. 389. that if hee dye by misaduenture, and bee

within

within the age of 14. yéeres that then nothing shalbe forfeit for a deodand, for there presentment was that A. filius B. ultra 14. an. &c. tamen quære & vide Fitz. titulo de Indictments pag. 27. That where a man was found dead in the field, Belknap said that his appeal should be giuen to the Church to pray for his soule, & should not be taken for a deodand, & note that euery deodand the sherife shall answer, viz. héé shalbe charged to leuy the price thereof of the village, notwithstanding the thing was not deliuered to them to kéepe before, qđ minũ ut patet ibiđ pag. 298. And therefore when such a misaduenture is found, the presenters should find appraise, and value the deodãd, and the coroner should returne the same in his Inquisition, and in whose custody the same remaines, so then the King may know by that Record, of whom to demaund it by Proceſſe out of the Crowne office.

It is requisite that the thing that is killed be in rerum natura, And therefore if a man doe kill an infant in the mothers bellie, that is not felony, nor héé shall not forfeit any thing for it, and that for two causes, one is, for that the thing that is killed had not the name of baptisme, the other is, for that it is hard and difficult to judge whether hee killed it or no, That is to say, whether the infant dyed of the beating of the mother, or by any other occasion, ut patet titulo Corone, &c. pag. 263.

&

& vid' there pag. 146. A more ſtrange caſe, viz. A man did beat a woman great with child of two children, ſo that immediatly one of the infants dyed, and the other was borne alive and baptiſed by a name, and two dayes after. for the hurt that ſhee had receiued ſhe dyed, the opinion was as before, that it was not felony in the man, & vide the ſame caſe in Fitz titulo Indictments. pag 4. But it ſeemeth, that the reaſon where it hath no name of baptiſme, is not of any force, for yée may ſée titulo Corone before pag. 418. that it was preſented quod quædam melior eundo verſus cappellam peperit filium & ſtatim abſtiduit gulam & proiecit in ſtagnum & fugit, ideo exigatur, & utlaget, for that was homicide, in that the thing killed was in rerum natura before it was killed, and ſo nothing like the caſe before, ſcilicet, where the infant was killed in the mothers belly, &c. the which caſe Bracton affirmeth for Law, in his diuiſion of homicide before, ſaying in this manner, Si ſit aliquis qui mulierem pregnantem percuſſerit, vel ei venenum dederit, per quod fecerit abortivum puerperium jam formatum vel animatum fuerit & maxim ſi animatum, facit homicidium, but contrary to this ſeemeth the Lawe as before. Item, it is requiſite to Homicide, that if one beate another whereof hee dyeth, that that death bee within twelue monethes and a day next enſuing the ſame beating, ut patet pag 303.

The

The same Law is, if poyson be giuen to one feloniously that hée dye within the yeare next after, &c.

It is a common erudition amongst vs, That if a Statute Law giue a remedy for any offence, wée may vnderstand thereby, that before there was no remedy for the same offence at the Common Law, other then is not expressed in the said Statute, except we haue read any thing that may induce vs to beléeue the contrary. The Statute of Westminster the first, cap. 13. defendeth Rape in this manner, viz. the King defendeth that none shall rauish nor take by force a maide within the age of eleuen yeares with her consent, or without her consent, nor any dame or maid of age, nor other woman against their wills, and if any so do, the King shall do him common right, and if none commence the suit within 40. dayes, then the King may sue, and those that he shall find culpable shall haue two yeares imprisonment, and after shall be arraigned at the Kings pleasure, and if hee bee not arraigned hee shall bee punished by more longer imprisonment, according to the quality of the trespasse. The Readers of this Statute if they haue not read Glanvill and Bracton, doe thinke that by the common Law Rape was but trespasse, where in truth it was felony, or other more grieuous crime, and first Bracton in his second booke of Rape saith in this manner, Raptus virgi-

virginum est quoddam crimen quod femina imponit alicui de quo die esse violenter oppressam contra pacem domini Regis, quod quidem crimen si convincat, sequitur pena scilicet amissio membrorum ut sit membrum pro membro, quia tunc cum virgo corrumpitur membrum amittit & pro corruptor punientur eo quo dilinquit,&c. Here I haue expounded that which was the Common Law in Rape before the Statute of Westm. 1. wherewith Glanvill agræth. fol. 113. Also I find amongst the Lawes of St. Edwin, once King of this Realme, this Law, qui cum nunna vel sanctimonialis fornicetur, emendetur sicut homicidia, By the which it appeareth, that hee that hath committed but fornication with a Nun, or with a holy woman, he should bee punished as an Homicide, A multo forciori, then should hee bee punished if hee had rauished. So that Rape at the beginning was much detested, and abhorred, and very great and grieuous punishment adioyned thereunto, till the time of King E 1. who seemeth by his Law made at Westminster 1. to haue mittigated the paine of the same, and afterward espying the great enormities that ensued the same Lawe, At his next Parliament holden at Westminster, called Westm 2. cap. 34. did make the same offence of Rape to be felony, The words of which Statute be these, It is enacted, that if a man doth rauish a woman espoused, a damosell,

moſell, or any other woman hereafter, whereunto he neither hath aſſented before nor after, he ſhall haue iudgement of life and members; And in like manner, where a man ſhall rauiſh a woman, dame eſpouſed, damoſell, or any other woman by force, although ſhee aſſent to the ſame afterwards, hee ſhall haue the like iudgement as before is ſaid, ſo that he be attainted at the Kings ſuit, and in that caſe the King ſhal haue his ſuit.

The Statute maketh no definition of rape, but leaueth the ſame to the common Law, Alſo it ſéemeth to make a difference betwéene rauiſhment with force, and rauiſhment without force, And therefore quære what manner of fact he intendeth, Britton ſaith, fol. 45. that if the woman at the time of the rape conceiueth with childe by the rauiſher, that it is no Rape, for that, that no woman can conceiue if ſhe aſſent not thereunto. Alſo Bracton ſaith, That it is a good plea in an Appeale of Rape, to ſay, that before the time of the rauiſhment ſuppoſed to be done, he held and vſed the plaintife as his concubine, Alſo it is a good plea for him to ſay, that though hee did lye with her, yet hee knew her not carnally, for that is the force of a declaration in an Appeale of Rape. And alſo note, that if a man bee to bee charged with rape by way of indictment, or otherwiſe, hee ought to be charged expreſly by this word Rapuit, and not by any other words, though they

they amount to as much as this word Rapuit doth, ut puta carnaliter cognovit & huiusmodi, as it appeareth 19 E 4. fo.27. Also there is another Statute concerning rape, made an' 6. E. 2. the which doth put great penalties and forfeitures vpon the woman which consenteth to the rauisher after the rauishment, and yet neuer the lesse doth giue an appeale of Rape to the husband of the wife that is rauished, and if shee haue no husband, then to her father or to her next of her blood, and that the def. shall not gage battell in such appeales.

Of treasure trove.

Bracton saith of treasure found in this manner, Est inter cetera gravis presumptio contra Regem dignitatem, & Coron' suam quæ quidem est quasi crimen furti, scz fraudulent' occultatio inventi Thesauri, &c. Note, that Bracton saith here, that the hiding of treasure found is gravis presumptio, So that it seemeth, that in ancient time it was doubtfull whether it was felony or not. And therfore it is said, tit' Coron' in Fitz. 187. that the punishment of treasure found is taken away and is now by imprisonment and fine, and not of life and members, &c.

Et ibidem eodem titulo pag. 446. apparet quod thesaurus non competit Regi nisi quando nemo scit quis abscondid' thesaurum, &c. So that if it bee knowne to whom the property is, then the King shall not haue it, but hee to whom the property thereof belongeth, and it seemeth that if hée dye before the finding

ding, that is executor shall haue the same. Et vide ibidem quod thesaurus competit domino Regi & non domino libertatis si non sit per verba specialia or by prescription. Britton in his booke fol. 26. saith, that treasure found in the sea, or vpon the land, and not in the earth, appertaineth to the finder, and not to the King, &c. Also hee saith, that when a man hath found it, hee ought presently to let the Coroner or Coroners of that county vnderstand thereof, or els the Bailife and the Coroner without delay ought to inquire if any thing thereof bee purloyned away.

Of a Mayhem. Note, that Britton saith, that Mayhem is properly said where any member of a man is taken away, whereby hee is the more vnable to fight, as if the eye, the hand, the foote, or by bruising of the head, or knocking out of the foretæth, but cutting off the eare or nose is no Mayhem, but a blemish of the body. Seton Justice said 29. E. 3. that euery finger of the hand shall be said to be a Mayhem, if it be cut off, Item 8. H. 4. yée may sée there that it is no Mayhem to cut off, auriculam hominis, by the which he loseth his hearing, but the knocking out of the tæth is a Mayhem, for that with them he may defend himselfe in battell, And Bracton agræth therewith, for hee saith in this manner, Mahem dici potest ubi quis in aliqua parte sui corporis efficitur mutilatus ad pugnand per illum quem appellat, &c.

Note

Note, that these places and territories here expressed and declared, are allowed for sanctuaries for felons, if they can get to them before they be taken, viz. Wells in the County of Somerset, Westminster, Manchester, Northampton, Norwich, Yorke, Darby, and Launceston, for all such felons as may haue the benefit of their clergy, by the Lawes of this Realm, and for none else. For treasons, rapes, burglaries, robberies, by the high way, or in a house where any are put in feare; burning of houses or barnes wherein corne is laid; robberies of Churches, Chappels, or other hallowed places: stealing of Horses, or Mares, and murder, with their abbettors, procurors, and counsellors: All these offences are excepted by the statutes of 26. H. 8. ca. 13. & 32. ca. 11. H. 6.

A Sanctuary is a priuiledged place, appointed by the King our Soueraigne, for the safegard of the life of man, which hath offended the Law: and it is grounded vpon the Law of mercy, for the great reuerence, honour, and deuotion which the King hath, and beareth to the place to which hee graunteth such priuiledge; which in times past was so greatly had in reuerence and honour, that offendors in case of Treason, Murder, Rape, and all other offences whatsoeuer had the priuiledge thereof. Polidor Virgil in his booke intituled de inventione rerum, lib. 3. What a Sanctuary is.

cap. 12. writeth against this ordinance, touching Moses his Law for his warrant, and saith, that hée allowed Sanctuary for a man onely in this case, where one killed another by chauncemedly, not hauing any malice forethought to doe the same. For in Exodus cap. 21. it is written thus, Si quis per industriam occiderit proximũ suum & per insidias ab altari modo: auell' eum ut moriatur. And therefore it is held that the Kings of this Realme haue rather imitated the Lawes of Romulus, than of Moses, in granting such large priuiledge to malefactors: for it was ordayned by Romulus, that euery one which fledde to the Sanctuary in Rome, should bée discharged of all manner of crimes; which was vsed here in England before the making of the said stat. of 26. H. 8. and 32. of the same King, &c.

Of principall and accessarie.

Note, that in high treason there is no accessarie, but all are principals ut pat̃ 3. H. 7. fo. 9. So that what offence soeuer maketh a man accessary in felony, the same offence in high treason maketh him principall, therefore it is to bée séene who shalbe accessaries in petit treason, or felony, or in other like crimes, in which accessaries may be.

Of accessaries before the offence cõmitted.

Note, that if one procure or commaund another to doe a felony, but is not present there when the other doth the same: This procurer or commaunder is but accessary before

fore the felony done, ut patet 7. H.4.fol.30. but otherwise it is if he be present at the time and place, when and where the felony is committed, for in that case he is a principall, ut patet 7. H.4.f 13.

The same Law is, if a man be present at the death of a man, and hée moueth and setteth on others to wound him and kill him, in this case he is as far forth a principall as hée that killed him, qd vide 13.H.7.

The same law is, if he were present, and commeth thither for the same purpose, though that at the same time hée moueth not the other to strike him, or kill him, nor doth any thing himselfe, yet he shalbe adjudged as a principall ut pat 21 E.4. Also vide tit. Coron' in Fitz. fol. 309. where it was found that one that was present, yet did nothing, but would haue ayded his companion if the dead person had made any resistance, and for that he was adjudged a principall. And according to this, vide ibm pag. 3.4.350. & 433. that all those that come in company in any place, or any assembly where any euill is done, be it homicide, robbery, or any other trespasse, they all shall be accounted as principall doers, though that they doe no hurt at all. And therefore a man was condemned in that hee was a disseisor where a man was killed, and it was said by twelue that hee came not thither to doe any euill. And note, that as it was of homicide, or murder, cum

so it is of any other felony, as of rape or robbery, quod vide titulo Coron' in Fitzh. 228. & 11. H. 4. where in an appeale of Rape against two as principals, whereas one did not the acte, but assisted and ayded his companion to doe the same, & titulo Coron' in Fitzh. fo. 350. & 314. where onely one did the robbery, and the others were in his company, and came with him for the same purpose, &c. But if one do chance to be present when another is slaine, or when another felony is committed, and commeth not in the company of the felons, nor is of their confederacy, although he withstand not, or disturbeth not the felon, nor leuyeth hue and cry, yet he shall not be said either principall or accessary: for it is not felony in him, but finable as a trespas. And if such a man be within age, he shall haue no punishment, qđ vide titulo Coron' 395. & 14. H. 7. f. 33. & vide titulo prædđ 293. where such a man that was of full age, was but amerced in such a case, &c. Tamen 314. ibiđ, it appeareth that such sufferance is felony, and so was the opinion of Shard 197. but it is against the Law, as it appeareth in the bookes before cited, &c.

Also if A. hold B. in his armes till such time as C. killeth him, A. for that cause is principall ut paſ 15. E. 3. And note yée, that the Law at this day as concerning accessaries, is as you haue heard before, though that in auncient time some Iudges did varie in their opinions

for

for Law, in that point: for it appeareth, tit Corone in Fitzh. 90. & 216. That in the fortieth yeare of Edward the third, they toke the Law to bee, That hee that was present when any was slaine, and aiding and commaunding the Killer, should not be principall, but accessarie, &c. And in that they did agree with Bracton, who saith in this manner: Si omnes præsentes sunt etiam de forcia quam de facto, &c. And after the attainder of the principall fact, hee goeth to those that bee appealed of force, and maketh the appeale in this manner, viz. A. appellat B. de forcia quod cum ipse A. & C. frater suus essent in tali loco, &c. Also hee saith in another place, That if two be appealed as Accessaries to a third person, scilicet, one of force, and the other of commaundement, they shall wage battell, before hee shall that is appealed of commaundement, Quia fortia quodammodo in se attinet factum id quod non facit præceptum. And so by him that is present when one is killed, and being counselling, ayding, or in any other manner assisting, so that hee slayeth him not himselfe, hee is then but accessarie, &c. And with him agreeth the Statutes called Officium Coron', made the third yeere of King Edward the first, at Westminster the first: but the Law is not so at this day: and yet the account in every Appeale against the principall is, that every one principally did helpe, and did strike the party slaine.

deadly: but to that may bee said, That those words bee but words of forme, and also it is his helpe in Law, &c. If I command one to take another, and he goeth from me, and taketh him and robbeth him: if I bée absent when hée doth the same, that is not felony in me, ut patet titulo Coron' in Fitzh. for that he excéedeth my commandement, and my commandement might haue béene performed without Robberie, &c.

But if I commaund one to beate another, and thereupon hee beateth him to death, that shall bee felony in mee that commaundeth, ut pat̃ it m̃ 314. for it is difficult and hard to beat a man in such sort that it shall be said hee shall not dye of such beating, &c. therefore in such case I am accessory to him that killeth him, by reason that it was done vpon my commaundement, &c.

Accessories after the offence cõmitted.

That is, where one receiueth a Felon, well knowing of the felony that hee hath committed, or fauoureth him, or aydeth him, hee thereby shall bee said to bee an Accessory after the fact. But distinguendum est, of this ayd or councell: for if he ayde him with his good word, and sueth for his deliuery, or sendeth letters for his deliuerance, that maketh him not to be accessory to the felony: ut patet titulo Corone in Fitzh. pag. 195. &c. Nay, this definition is to bee made of an Accessory, it extendeth onely to those that bee Accessories to a princi-

principall atteinted, for if after the atteinder one receiueth and aideth him, That is, after hee bee conuicted of the felony by verdict, outlawrie, or confession, hée séemeth to bée an Accessory, though that he knew not him to bée a felon, in that he is a Felon by matter of Record, of the which euery stranger is driuen to take Cognisance, tamen quære: for yee shall finde titulo præd pag. 377. one note, which is thus, scilicet, Note yée, That when a man is indicted for the receiuing of a man outlawed for felony in the same countie, then he shall lose both life and members, Secus esset in ali, com, &c. Ergo thereof insueth, That if one be outlawed for felony in one County, and another receiueth him in another County, hee shall not be accessorie, for that he cannot take Cognisance of that which was done in another County, though that it be matter of Record, &c. And agréeable to this Note, I finde in Bracton written thus, Si quis talem post utlagationem scienter paverit, vel cum eo convictaverit, receptaverit, aliquomodo vel jam occultaverit: eadem pœna puniri debet qua puniretur utlagatus, &c. So that it séemeth hée maketh no difference betwéene matter in fact and matter of record, &c. in that he maketh Scienter materiall in the case, &c. And note yée, that by the Common-Law, if one commit Felonie in one Countie, and before his atteinder one other receiueth him feloniously in another

County, that was not felony in the receiuer for default of triall, in that those of the Countie where the Accessory offended, could not haue Cognisance of the principall offence committed in another Countie, quod vide titul' Corone pag. 33. & 43. Ed. 3. wherefore a Statute Law was made annis 2, & 3. Ed. 6. which is in this manner: Forasmuch as the most necessary Office and duetie of Lawes, is to preserue the life of man, and condignely to punish such persons that vnlawfully and wilfully murder, slay, and destroy men, &c. Note the preamble of this statute. And also it is a common practise amongst arrant Theeues & Robbers in this Realme, that after they haue robbed and stolne in one county, they will conuey their spoile, and part thereof so stolne, to some of their adherents in another County, where the principall offence was not committed, ne done, &c. By this preamble it appeareth, That if one feloniously receiued parcell of the Goods stolne, that he shall be thereby an accessary, &c. quær thereof: for yee shall finde titulo Coron' in Fitzh. pag. 126. That one shall not bee accessory for receiuing of goods stolne onely, if he receiue not also the felon himselfe. And therefore the Indictment was there qd sciens, &c. felonice receptavit latronem, &c. and hée was discharged thereof, ratione jam dict', But if hée had as well receiued the Felon himselfe, as the goods, then otherwise it were, ut patet 9. H. 4.

fol.

fol. 1. & tit Coron' in Fitzh. pag. 427. where a Felon did flie to his brothers house, and his brother did shut the doore, and the Countrie that pursued him were deceiued thereby, for they did conjecture that he had continued in the house, when he did fly thence to the church: whereupon his brother was adjudged accessorie to that felony, &c. ut pat ibidem pag. 196. That a man may bee an Accessorie to an Accessorie: As if a man feloniously doe receiue him that is an Accessory to a Felon, &c. Also it appeareth there pag. 48. That hee that receiueth an accessory of a felonie, is principall, and not accessory, &c. And the reason thereof as I vnderstand, is, for that by this receite, a new Felonie is committed by him, though that it dependeth vpon the ancient and former felony, &c. And note yée, that Bracton counteth an accessory receptor malorum, &c. ut supra c. 19 f. 26. and saith, that a woman cannot be accessory to her husband.

I haue already intreated of accessories by the Common Law, now therefore I will entreat of Accessories by the Statute-Law. It semeth though an offence bee made felony by Statute, though the same stat. doth not speake expressly of abettors, procurers, Counsellours, and receiuers, yet shall it be taken to bée within the compasse of that Statute, as it appeareth in the Title of Treason, 19. H 6. where the consenter and ayder to the counterfeiting Accessories by statute.

of

of the great ſeale, priuy ſeale, or the Kings money, was adiudged a Traitor: And yet the words of the ſtatute are, if a man doe counterfeit, &c. the which thing the other ſæmeth not to haue done, in that he was not but conſenting and ayding to the ſame, &c. The ſame Law is in caſe of rape, where one did the fact, & another aſſiſted him, and aided him to commit the rape, hée thereby is a rauiſher as farre forth as his companion which did the rape indéed, as it appeareth 11. H. 4. & tit Coron' in Fitzh. pag. 120. And yet notwithſtanding the words of the Statute of Weſtm. 2. ca. 3. 4. are, if a man rauiſh a woman, &c. but that was the cauſe of the rape, without which perhaps the rape had not bæne committed: and principall doer, in that he was preſent when the fact was done, and therfore as wel culpable of the fact as the principall doer is. And if any be acquited of a principall fact, he is then acquitted of all offences as Acceſſory before the principall fact committed, but not of offences perpetrated as Acceſſory after the principall fact done, as it ſhall appeare after: And therefore ſome will argue in this caſe, as though that Acceſſories before the offence committed, be taken to bée within the compaſſe of a ſtatute that maketh felony, though they be not expreſſed, for the reaſon before made: yet notwithſtanding that prouideth not, that acceſſory after the offence perpetrated, ſhould bee within the compaſſe of

ſuch

such a statute if it be not expressed. But howsoeuer it bee, those of the Parliament in the time of King H. 8. prouided for the same, as it appeareth as well by the Statute of Hunting, anno 32. H. 8. as by other statutes which at this instant are not in force. And by a Statute made in the first and second yeare of P. & M. against vnlawfull and rebellious assemblies, which Statute as yet is in force. And by a statute made 1. Ma. concerning Egyptians, as yet also being in force, The which statute prouideth as well for Accessories before the offence perpetrated, as after, vide the statute of 3. H. 7. of those that take maids, widdowes, or wiues against their willes, where the words are, that such taking, procuring and abetting to the same, and also receiuing wittingly the said woman so taken against her will, and knowing the same, is felony: And that such misdoers, takers, procurers, and receiuers to the same, knowing the said offence in forme aforesaid, bee henceforth reputed and iudged as principall felons. Note, as it seemeth there is no Accessory in this offence vpon the Statute, in that by the words they be reputed and judged as principal felons, which maketh them as it seemeth all principals, &c.

Note that in an appeale of Mayhem, the plaintife may chuse to make euery of them principals, or him onely that did hurt him, to

be

be principall, and the others Accessories, at pag 215.221. & 199.

How the principall shall first be attainted, and after the accessories.

There are three sorts of attainders, viz. by confession, by verdict, and default or outlawrie, and in all these cases the principall ought to bee attainted before the Accessory: but in the manner of proceeding to this attaint, there are diuersities of opinions, for Bracton saith vpon the attainder by proces in this manner, causæ quidem utlagationis possunt esse mult &c. So that it appeareth, that at that time there was diuersities of opinions about the manner of attainder of Accessories by Outlawrie, which diuersity was taken away by the Stat. of Westminster the first, the which is thus, viz. And for that that men haue vsed in some Countries to outlaw the People appealed of commandement, force, aid, and receiptment within the same terme, in which a man should outlaw him that is appealed of the fact as principall. It is prouided and commaunded by the King, That none bee outlawed for appeale of commandement, force, aid, or receiptment, vntill he that is appealed of the fact bee attainted: so that one onely Law thereof bee throughout the whole Land, &c. But he that will appeale, should not therefore cease to continue his appeale at the next Countie against those, as well as against the Appellées of the fact, but the Exigent against them shall stay vntill such time as the Appellées of the fact bee

bée attainted by outlawrie or otherwise. This statute is not to bee vnderstood of Appeales commenced by bill: for of Appeales commenced by writ, there appeareth not any to bée Accessary till such time as the count be made, the which is not made, till such time as there bee also appearance for the Accessory, ut patet 43. Edw. 3. fol. 15. wherefore in that case where an Appeale is commenced by Writ, if the Plaintife will pray the Exigent against all, hee is thereby concluded to count after, against any one of them as Accessory, for if otherwise &c. hee should not haue the Exigent against all them vntill the principall had bëne outlawed, for in that case hee is concluded ut patet tit Coron' in Fitzh. pag. 80. This statute willeth that the Appellée of the fact bée attainted before the Accessory shall be outlawed: Admit then, that at the time when the accessory is at the exigent, the principall appeareth, if then the Exigent shall bée awarded against the Accessory, till that the Proces against the principall bée determined &c. it séemeth not, for notwithstanding that the Proces bée determined, yet the principall is not attainted: and vntill such time as hée bée attainted, the accessory ought not to bee outlawed, ut supra 7. H. 4. fol. 31. That which is said extendeth to that where the accessorie doth not appeare but maketh default: wherefore now let vs sée what shall bee done when the accessorie

appeareth

appeareth in judgement, and the principall also, and in respect thereof, note you that by the ancient Law, the Accessory should not be put to answer till such time as the principall had bin attainted, ut patet per Bracton, Si omnes presentes sunt tam deforcia quam de fact' procedatur contra omnes per ordinem, dum tamen illi deforcia non respondeant antequam ille de facto convincatur, &c. And agreeable vnto him is the Booke of 44. Ed. 3. fol. 9. & tit Coron' in Fitz. 216. but since that time the Law hath bin changed, &c. for now, be it that the principall appeare, or make default, the Accessory, if he appeare, shall answer, but if hee plead to an issue, proces shall cease to be awarded against him for his tryall, vntill the Principall doe appeare, or be attainted of outlawry, ut pat. 9. H. 4. & 7. H 4. but yet those Proces against the Jury shall not cease, vnlesse the Accessory will, for if the Accessory will pray Procesle against the inquest, before the principall be attainted, hee shall haue them, in that it is dammage to none but himselfe. And whether he be attainted or acquited, it is good, and hee shall not bee againe arraigned for that offence: for the taking of the Inquest or verdict is not erroneous for the reason before made, ut patet titulo Coron' 463. The same Law is if the Accessory will wage his battell with the Appellant before the Principall doth come, ut patet ibidem pag. 8. for hee may waiue the bene-

fit

ſt that the Law doth giue him therein, &c.

Note ye that if the plea which the Acceſſory doth pleade, be a plea in abatement of the whole writ, the principall therein ſhall haue the aduantage, notwithſtanding his abſence, ſo that the Exigent that is to bee awarded againſt the principall ſhall ſtay till it be known whether the whole writ ſhall abate or not, vt patet 9. H. 4. but if they both doe appeare, viz. the Principal and the Acceſſory, then the principall muſt firſt anſwer, and after the Acceſſory, for ſuch anſwer the Principall may make, that the Acceſſory ſhall not be put to anſwer till the anſwer of the Principall be tried, And that is where the principal doth not plead directly to the felony, but ſome other plea, As if he plead that hee was once before attainted of the ſame felony, and the appellant to the contrary that is not ſo, & ſo they are at iſſue, in this caſe the Acceſſory ſhall not anſwer before that iſſue bee tried, 9. H. 7. Quære if the like law be where the Principall pleadeth in abatement of the whole writ, &c. But if the Principall plead to the felony, the acceſſory thē preſently after ſuch plea ſhall plead alſo, And if they be at iſſue, a venire fac' may be awarded againſt them all, vt patet tit Coron' where Forteſcue ſaith, that if at the day in the Court, the Principall maketh default, the Inqueſt ſhall not bee taken for the acceſſory, but that the inqueſt ſhall goe without day, & the principals,

manu-

manucaptors or sureties, shall make their fine &c. And that agreeth with that which was said before, scilicet, that the Inquest shall stay for the accessary, till such time as the principall commeth to be attainted by Outlawrie, &c. Note, when I speake of the principall, I meane then all the principals, for if there be diuers sued as principals, and some of them doe come, and some doe not, yet the Inquest shall stay vntill all the principals doe come, or be attainted of outlawry, if it bee so that hee bee appealed or indicted as accessary vnto them all: otherwise it is if hee bee not appealed or indicted but as accessorie to one of them, for there it sufficeth those principals onely to come, or to bee attainted for whom hee is appealed or indicted as accessory, without hauing regard to the residue, quod vid. 7. H. 4. fol. 30. & tit Coron' in Fitzh. 216. Also note yee, that it is requisite that this attainder of the Principall be in the same suit in the which the accessaries be sued, for if it bee in another suit, that will not permit the Accessorie to proceed in his inquest till such time as the Principall that is sued with him, doe come in, or bee attainted by Proces, as is aforesaid. And in an Appeale of death, against the principall and the Accessory, the Principall before that time is attainted of the very same death, vpon an Indictment at the Kings suit, ut pat 7. H. 4. fol. 30. Quære, if the accessorie shall plead for his discharge

charge the acquitall of the principall in another ſuit, ut pat 277. Alſo it ſeemeth, that if the principall, ſince that attainder is dead, and the Juſtices before whom ſuch Acceſſory is ſued, haue before them the record of the attainder, that then they may proceed againſt the Acceſſory, otherwiſe not, 7. Hen. 4. fol. 23. We haue ſaid before, That the Inqueſt ſhall not proceed againſt the Acceſſory, till ſuch time as the principall doe come in, or be attainted, &c. Admit then that the principall doth come in, and will ſay nothing, but ſtand mute, What ſhall in that caſe be done with the acceſſory? Huſſey ſaith, 3. Hen. 7. That, that notwithſtanding, the Acceſſory ſhall be arraigned, quod vide titulo Corone 36. & 51. where the principall challengeth aboue the number of 36. which was peremptory to him, therefore hee was hanged without farther triall, becauſe he ſhould challenge but juſt 36. or vnder, and not aboue, & in that caſe the acceſſory was tried, and found guilty: and the Juſtices did aduiſe with themſelues, what ſhould be done in that caſe, for they were of diuers opinions, &c. This Attainder whereof wee haue ſo often ſpoken, though that it be erronious, yet notwithſtanding that court ſhal proceed with the acceſſory, for the Acceſſory ſhall vtterly take aduantage of that error, quod vide anno 2. R. 3. fol. 21. Alſo there is one caſe, that although the principall be not attainted, yet the Acceſſory ſhall

be hanged, As if one Abjure as Accessorie, and afterward the Principall commeth, not being attainted, Tamen, the Justices in favore vitæ, did inquire if the Accessorie was attainted or not, The same law shall be in the cases aboue-said, as it séemeth where the Accessory of his owne good will will wage battaile, or haue the Inquest procéed before the Principall doth come, &c.

Whether the acquitall of the principall, discharge the accessory, or not.

Note, That if the principall be acquited, the Accessorie is thereby discharged, for Bracton saith, ubi fact' nullum, fortia nulla, nec præcept' nocere debet, ubi iniuria nulla habuit effectum, &c. Wherefore it is cléere, that the acquitall of the principall, is also the acquitall of the Accessory, or if it happē that the Principall cannot be tried, as if he dye in prison before he be attainted, thereby the Accessory is discharged, otherwise it is if he die after the attainder, &c. The same law is, if before the principall bee attainted of the felony, he is attainted of another felony and hanged, the Accessory hereby is discharged, ut patet tit' Coron' in Fitz. 378. The same law is though hée be not hanged after the attainder, in that case he shall answer to any other felony vnles it be robbery or Treason, the same Law is, if it be found that the principall killed him, se defendendo, the accessory is thereby discharged, ut patet 116. Et tamen there the principall purchaseth his Pardon, &c. But that Pardon argueth not that he is culpable in any other manner

maner than se defendendo. But of other pardons otherwise it is, for if the principall doth plead his Pardon to a felony generally, without any speciall matter found, the which should cause the Pardon, and is thereby discharged, yet that shall not discharge the Accessory, but he shall be found guilty of the felony, ut patet prad 260 for by such a pardō the felony is confessed, of which felony he prayeth to be discharged ex gratia Regis, and not by course of the Law, as it was done in the other case, Quære tamen, for the contrary is agreed by way of argument, 3. H. 7. tit prad 53. And also by the opinion of Thyrn. 7 H. 4. fol. 13. And his reason is, that when the life of the principall is giuen him by the Law, in what manner soeuer it be, the felony is extinct in his person, and by consequence acquited.

And so it shall be where the principall taketh him to his Clergy. And with this case agreeth the booke of 3. H. 7 f. 2. tamen Fitz. tit prad. 53. hath reported that booke of 3. H. 7. to the contrary, scz. that notwithstanding that the principal shal haue his Clergy, yet the accessory shall be hanged. And according to that ye shall finde ibm 170, & 266. Sed distinguendum est, of the case of the clergy, scz. whether he be clerke conuict, or clerke atteint, for if he be clerke attaint, by the auncient Bookes the Accessory shall be hanged, for that the principall in that case cannot at any time make his purgation.

and otherwiſe perchance, if hée were Clerke conuict, in that the Clerke conuict may make his purgation, wherefore in that caſe they did vſe to let accellories to mainprize, vntill ſuch time as the principall had made his purgation, &c. ut patet tit Cor 145, 176, 252, 376, 193. & 7.H.4.fol.13. & 13.E.4.fol.3. and then vpon his purgation to diſcharge the Accellory, and if he died, or eſcaped before purgation, &c. then to proceed to the attainder of the accellory, &c. Quære if the difference will hold place at this day in that, in the new bookes, before they haue expugnancie of opinion in the caſe where purgation is to be done, That is to ſay, in the caſe of a Clerke conuict, for ſome would in that caſe that the accellory ſhould bee diſcharged, and ſome would not, So that in that caſe of the Clergy, and of the pardon, the new bookes and the old agrée not.

Note where it is ſaid before, That the Acquitall of the Principall is alſo the acquitall of the Accellory, That is to bee vnderſtood if it be not in Appeale when the Accellory is to recouer damages, for if hee will recouer dammages, he ought to bee tried notwithſtanding the acquitall of the Principall, ut patet in Fitzh. pag. 223. Quære if that be Law now, by vſe, for it ſéemeth reaſonable, that hee ſhould haue his damages vpon the acquital of the principall without being tryed, or otherwiſe ſhould enſue that the Court would admit an Accellory,

where-

whereto then it appeareth that there is no principall, which should bee inconuenient, for as Bracton hath well said, non possunt appellantes primo & principali appellato omisso, jungere duellum cum appellantes defortia & precept. &c. In my Lord Cokes 4. booke of reports, fol. 44. in an appeale brought by one Bibithes, termino Paschæ, anno 39. Eliz. it is there resolued for Law, that although the principall was conuicted by verdict, yet insomuch that he had his Clergy his accessaries both before and after the felony were discharged, and the same law is there resolued, if a principall vpon his arraignment confesse the felony, and before iudgement gets a pardon or hath his Clergy allowed him, the Accessary thereupon is discharged. 2. E. 3. 27. 22. E. 3. tit. Coro. 260. 5. H. 4. 16. 19. H. 4. 5. 3. H. 7. 1. & 3. H. 7. tit. Coron' 53. *Quod nota.*

A. G. vicē nuper vic' R. G. in propria persona sua instanter appellat M. D. nuper de N. in comitatu S. yeoman, & I. B. nuper de A. in comitatu predē yeoman, in custodio T. P. militē vic' comē predict. existen', & ad barram ducē' in propria persona sua, de morē predict. R. nuper viri sui de eo qđ ubi idem R. G. 28. die A. anno, &c. fuit in pace dei & dicti domini reg. operans & laborans in comburiendē carbones in terr' I. G. militis voc' S. in quodam loco ibidē voc' a Cole place, apud C. in comē prædict' ubi venerē prædict. M. D. & I. B. et felon' dict' d. nr reg. *An appeale of murder & robbery. South.*

reg. & de inſultu & malicia præcogitat, ac ad intention' præd R.G. de bonis & de denariis ſuis depredand & ſpoliand in eundem R. G. præd 28. die A. & anno 30. ſuprad circa horam 9. poſt meridiem ejuſd dici, vi & armis, viz. baculis, cultellis, &c. apud C. præd in predict' loco inſultum fecerunt, & eund R. G. adtunc & ibidem felonice & voluntarie interfecer & murdrauer & eund R. ſic interfect' adinde incontinenter aſportauer uſque quendam boſcum voc', &c. diſtan' a præd loco circa decem perc exiſten' in parochia de T. in eodem Com, ac ipſum ibidem in Silveſtre loco roborum abſcondiderunt & projecerunt, Ac gutter ſuum adtunc & ibidem ſcinderunt contra pacem dicti domini regis coron' & dignitat ſuas, Et quam cito iidem felones felonium & murdrum prędict' feciſſent fugierunt & prędict' A. ipſos recenter inſecut fuit de villa in villam uſque quatuor villas propinquiores, Et ulterius quouſque, &c. Et ſi prædict' M. D. & I. B. felonium & murdr prędict' In forma prædict' fact dicer velint tum prædict' A. parat eſt felon' & murdr pręd verſus eos probare prout cur hic conc' & invenit pleg. de proſe. Appell. illud viz. I. W. & C.E. &c.

E. P. de H. in Comitatu præd Yeoman in propria perſona ſua juxta formam Statuti in parliamento dom reg. R. nuper regis Ang. ſecund poſt Conqueſt. apud Weſtmonaſterium anno regni ſui ſexto tent edit inſtanter appellat

lat̃ I. B. nuper de H. in priſona, &c. de eo quod vbi I. vxor prędict̃ E. P. fuit in pace dei & Domin' Regis nunc apud H. in comitatu prædict̃ die, &c. Anno, &c. circa horam, &c. ibi venit prædt̃ I. B. felonice ut felo Dom̃ Reg. nunc inſidiand̃ & inſult̃ præmeditat̃ contra pacem eiuſdem domin' regis coron' & dignitat̃ ſuas die anno hora & loco prędt̃, Et prædt̃ I. adtunc & ibidem felonice rapuit & cum ea adtunc & ibidem carnaliter concubuit & eadem I. eidem I. B. poſt raptum prędictum in forma prędicta perpetrat̃ ſcilicet, &c. die & Anno, &c. de perpetratione eiuſdem raptus conſentiunt & cum pro eodem raptu iuxta debitam legis formam punire omnino recuſavit, Et quam cito, &c.

W. L. proxim̃ de ſanguine I. filiæ & hæred̃ T. L. iam defunct', ſcilicet frater prędt̃ T. L. patris prædt̃ I. felonice rapt̃ in propria perſona ſua inſtanter appellat R. P. de K. in comit̃ S. Yeoman & in cuſtodia, &c. iuxta formam ſtatuti domini Rich. nuper regis Angl' ſecund' poſt conqueſtum, Anno regni ſui ſexto tent̃ æditt̃ de rapt̃ prædt̃ I. & pacis Domin' Regis nunc fract', de eo quod ubi prędict̃ I. fuit in pace Dei & Domin' Regis nunc apud M. in com̃ E. die, &c. Anno, &c. circa horam, &c. ubi venit prędict' R. ut felo domini regis nunc inſidiand' & inſult̃ præmeditat̃ contra pacem dict' domini Regis coron' & dignitatem ſuas, die anno hora & loco prędt̃, & prædt̃ I felonice rapuit

*Appeale de raptu, per prox. de ſanguine.*

puit, contra formam ſtatuti præd', &c. Et quam cito &c.

I. A. in propria perſona ſua appellat R. L. de D. in com̃ S. Yeoman de eo quod vbi idem I. A. fuit in pace dei & domini regis nunc apud C. in com̃ præd', die, &c. Anno, &c. circa horam octavam poſt meridiem ejuſdem diei, ubi ven' prædict' R. felon' & felo dict' domini Regis ibidem, inſideand inſulẽ præmedit', contra pacem dict' domini regis coronam & dignitatem ſuas, die, anno, hora, villa & comit' prædictis quadam ſagitta ſagitavit præfat' I. A. in genu ſiniſtro per quod venæ & nervi ejuſdem genu totalit' exſiccat' fuerunt, & ſic ipſum felonice Maihemavit. Et quam cito, &c. Et ſi, &c. Idem I. hoc parat' eſt verſus eum probare prout cur &c.

D. B. in propria perſona ſua inſtanter appellat R. E. de amputation' linguæ ipſius D. & pace domin' regis fract' pro eo viz. quod cum per quoddam ſtatut' in Parliament' H. 4. nuper regis Angl', anno regni ſui quinto apud Weſtm̃ tent' ædit' ordinat' ſit quod malefactores qui linguas hominum amputarent vel occulos eruerunt legeorum domin' Regis hoc debit' probat' & comperт' quod tale fact' ex malitia præcogitat' fuit perpetrat' penam felon' incurrerent prout in ſtatuto prædict' plenius continetur. Ac ubi prædict' D. fuit in pace dei & domini Regis nunc apud H. in comitat' præd' die & anno, &c. circa horam, &c. ibi venit prędict'

R. E.

R.E. felonice ut felo domini regis insidiand & insult præmeditat contra pacem domin' regis coron' & dignitat suas, die anno hora loco & comitat prędict', & cum quodam cultello quem tenuit in manu sua dextra linguam ipsius D. felonice amputavit. Et quam cito, &c.

Where a felon appeales, and calls for the Coroner.

Memorand quod die Martis, &c. I. R. nuper de L. &c. diversf. felon' coram domino rege apud W. fecisse cognovit petendo coron' dom Regis sibi pro commodo ipsius regis & regni sui assignari & probat dict' R. devenit. Et super hoc ego I. W. coron' domin' regis, &c. ei assign' fuer p cur ad recordand ea que dictus probatur coram me dicere seu cognoscere voluerit, & dat fuer dies per cur eidem probatori pro diebus suis appelland, scz. die Lunæ Martis & mar cur tunc prox' sequen'. Et postea, scz. die Lunæ pręd coram me pręf. coron apud W. venit probator sub custod Mar dom Regis in propria persona sua & appellat T. C. nuper de L. & H. R. nuper de S. &c. de eo qd pręd T. C. simul cum ipso probator circa primum diem S. Anno, &c. apud B. in com M. unam petiam argenti ad valent xxx. solid de bonis & catallis A.B. ibidem, &c. felonice furat fuerint: Et præd H. R. sciens ipsos T. C. & Probatorem feloniam illam sic fecisse, ipsos apd B. præd quarto die tunc prox' sequen' felon' receptavit & petiam Argenti prædict' de ipsis emit, &c.

Idem modus observetur in aliis similibus &c.

Alias

Alias ſcilicet die Iovis proxim̃, &c. anno, &c. apud O. I. B. nuper de H. yeoman, coram L. M. & ſociis ſuis Iuſticiar̃ dom̃ Regis ad pacem in comitatu prędict' conſeruand̃ aſſign' Indictat̃ de eo quod ipſe die et anno, &c. (recitando Indictament̃) contra pacem Domini Regis coram præfat̃ Iuſtic' allocat̃ qualit̃ ſe vellet inde acquietare felon' prædict' cognouit & probator dom̃ Regis deuenit petendo coronatorem dom̃ Regis ſibi aſſignari, ſuper quo ego I. W. unus coron' dom. Regis comit̃ predict' ei aſſign' fui ad audiend' ut recordand' ea que ipſe pro commodo ipſius Regis dicere aut coram me cognoſcere vellet. Et poſtea ſcilicet tali die &c. dixit coram me præfat̃ coron' apud B. prædict' probator, quod W. I. de L. in comitatu L. yeoman, Ac idem probator in Regia via inter W. & B. ad diſtan' decem milliarum de B. predict' decim̃ die, &c. anno, &c. in quendam I. B. inſultum fecer̃ verberauer̃ & maletractaver̃ & ſex marcas ſtarling, in pecuniis numer̃ de bonis & catall' ipſius I. W. tum & ibm̃ inuentis felonice ceperunt & depredati fuer̃ vnde idem probat̃ pref. W. I. Appellat, &c.

Hoc audis dom̃ coronator̃ quod ego B. C. ſim latro mius equi vel alter̃ rei vel homicidia unius hominis vel plurimorum: Et felo dom̃ Iac. Regis Angliæ, &c. Et quia multa mala & latrocinia perpetram in hac terra abiur̃ regnum domin' Iac. Regis Angliæ, &c. Et debeo me

feſti-

ſeſtinare verſus portam de tali loco quem dediſti mihi, Et quod non debeo divertere ab alta via: & ſi faciam, volo quod ſim captus ſicut latro & felonus domin' Regis. Et quod apud talem locum quæram diligenter tranſilium meum & non expectabo ibi niſi fluxum & refluxum unum ſi tranſire poter, Et niſi tanto ſpacio abire potero ibo quolibet die in mare uſque ad genua mea, temptans tranſire, & niſi hoc potero infra xl. dies continuos mittam me interim in Eccleſiam ſicut latro & felonus domin' Regis ſic de me Deus adiuvet ſecundum iudicium.

But it ſæmeth by the ſtatute of 22. Hen. 8. that this kinde of abiuration is taken away, and that it was the Kings pleaſure that ſuch perſon which did abjure, ſhould bee abiured from all his ability, to ſome Sanctuary within this Realme, there to continue during his life, and that he ſhould be burnt in the right hand with this letter A. to the end hee might bee knowne to an abjured perſon, and if after he was taken abroad out of the Sanctuary, then hee ſhould vndergoe ſuch puniſhment as perſons abjured did before the making of the ſaid Statute: And if any felon refuſe to abjure before the Coroner, hee ſhall loſe the benefit of the Sanctuary by the ſtatute of 21. H. 8. cap. 2.

This heare you Sir Coroner, that J. J. of

P. of H. in the county of S. am a Popish Recusant, and in contempt of the Lawes and statutes of this realme of England, I haue and do refuse to come to heare diuine seruice there read and exercised; I doe therefore according to the intent and meaning of the statute made in the xxvi. yeare of Quéene Elizabeth late Quéene of this realme of England, abjure the land and realmes of King James, now King of England, Scotland, France, and Ireland. And I shall hast mé towards the Port of P. which you haue giuen and assigned to mé, and that I shall not goe out of the high way leading thither, nor returne backe againe, and if I doe, I will that I bee taken as a felon of our said Lord the King. And that at P. I will diligently séeke for passage, and I will tarry there but one flood and ebbe, if I can haue passage, and vnlesse I can haue it in such space, I will goe euery day into the Sea vp to my knées, assaying to passe ouer: so God me helpe and his holy iudgement, &c.

The forme of a certificat of an abjuratiõ.

Memorand' quod accidit apud E. in com. S. die sabat', scz. vicesimo die I. anno, &c. quidam R. S. nuper de P. in com' L. yeoman, cepit ecclesiam parochialem de P. predict' pro immunit' & tuitione sacrosanct' Eccles. in ead' habend' actione diuersarum p ipsum pantea factarum & petiit coron' dom' regis sibi adduci, Super quo ego I. W. unus coron' dom' regis comitat' pred'

acces

accessi ad ipsum R. in ecclesia prēd' sic existen', & ipsum coram me dict' die Sabat' in Ecclesia prędict' fatebatur & voluntarie cognovit quod ipse 27. die Maii tunc ultimo preterito apud L. in parochia sanct' S. in warda de F. unum maserum cum argent' coopertum cujusdam I. B. in domo ipsius I. ibid' existen' ad valen' xxx. s. felonice furatus fuit ob quam feloniam petiit a me prefat' coron', regnum Angl' abiurare, Sup quo tradito ei libro per me præfat' coronatorem, idem R. regn' prēd coram me prædict' die Sabat' in eccles. prēd' abiuravit in idem regnum nunquam reditur' absque speciali licentia & reconciliation' regni Angl', Et assign' est eidem R. pro transitu suo extra regnum portus Donorum cruce in manu sua dextra profit' prout lex Angliæ est & consuetudo, &c.

Et super hoc ven' præd' G. & dic' quod ipse 14. die I. anno, &c. cepit ecclesiam sancti G. apud S. in com̄ præd' pro diversis felon' p ipsum preantea perpetrat' pro salutation' vitæ suæ & tuitione sacræ sanctæ ecclesiæ, petitque privilegium ecclesię illius, Et quod I. L. & al' eidem G. ignot' ipsum adtunc & ibm̄ extra ecclesiam prędviolent' & contr' voluntat' suam cepe' & abduxer'. Et hoc, &c. Et petit restituer', &c. Et, &c. ad felon' non cul'. *Vbi vnus capt. fuit extra Sanctuarum & petit restitueri.*

Inquisitio Indentat' capt' apud B. in com̄ prēd' die martis videlicet 21. die Decembris anno regni *An Inquisition in murder. South.*

regine dominæ noſtræ Elizabeth. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſor, &c. xviij. Coram me I. S. gener vno Coron' dictæ dominæ Reginæ comitat' prædict', Super viſum corporis cuiuſdam E. S. generoſ. ibidem mortui iacen' per ſacramentum I. S. &c. Iurat' triat' & onerat' ad inquirendum qualiter & quomodo p̄dict' E. S. ad mortem ſuam deuenit, Qui dicunt ſuper ſacramentum ſuum quod I. H. de S. in Comitatu p̄dicto yeoman quarto die Auguſti, Anno regni dictæ dominæ Reginæ viceſimo apud B. p̄dictam in Comitatu p̄dicto circa horam decimam ante meridiem eiuſdem diei, Deum præ oculis ſuis non habens ſed inſtigatione diabolica ſeduct' & mot' ex malicia ſua p̄cogitata felonice ut felo dict' Dominę Reginę in & ſuper dictum E. S. in pace Dei & dictæ dominæ Reginæ exiſtens adtunc & ibidem vi & armis inſultum & affraiam fecit, Et quod p̄dictus I. H. cum quodam gladio Anglice vocat' A Sword valoris quinque ſolidorum quem Idem I. H. in manu ſua dextra adtunc & ibidem tenebat et adtunc et ibidem præfatum E. S. felonice percuſſit & cum gladio prædicto dedit eidem E. S. adtunc et ibidem unam plagam mortalem ſuper ſiniſtrum genum ipſius E. totaliter abſcindens quoddam os prædict' genu ipſius E. Anglicę vocat' the panne of the knee longitudinis quatuor pollicium latitudi-

titudinis duorum pollicium et profunditatis duorum pollicium, de qua quidem plaga mortali idem E. S. viceſimo die Decembris, anno ſupradicto apud B. prædictum Comitatu prædicto obiit. Et ſic Iuratores prædict ſuper ſacramentum ſuum prædictum dicunt quod prædictus I. H. modo et forma prædicta prædictum E. S. felonice et ex malicia ſua præcogitata interfecit et murdravit contra pacem dictæ Dominæ Reginę coronam et dignitatem ſuas. Ac inſuper Iuratores prædicti ſuper ſacramentum ſuum prædictum dicunt quod predictus. I. H. tempore feloniæ et murdredi prædicti facto, nulla habuit bona aut catalla terras neque tenementa in comitat prædicto ad eorum noticiam, In cuius rei Teſtimonium tam ego præfat coron'. quam Iurat prædict huic Inquiſition' ſigilla noſtra alterna im appoſuimus die anno et loco ſupradict' &c.

*Per Iob. S. vnum Coronat' dictæ Reginæ com' prædict'.*

Inquiſitio Indentat capt apud H. in comitatu prædict coram me I. W. generoſ. uno coron' domini Regis comitatu prædict die Martis, videlicet viceſimo die Ianuarii Anno regni domini noſtri Iacobi Dei gratia Angliæ, Scociæ, Franciæ, et Hibern' Regis fidei defenſ. &c. viz. Anglię, Francię, et Hibern' tertio, et Scociæ triceſimo nono. Super viſum corporis eiuſdem C. B. nuper vxorem P. B. de H. South. *Murder'd.*

prædt

pred' apud H. pred' felonice interfec adtunc & ibm' mortui iacent per ſacramentum proborum & legalium hominum de villa de H. & trium aliarum vill' propinquarum videlicet S. N. & C. prout mos eſt, &c. ad inquirend' qualit & quomodo præd C. ad mortem ſuam devenit videlicet per ſacramentum A. B. C. D. &c. ad numer duodecem ad minus qui dic' ſuper ſacramentum ſuum quod ubi prędi' C. die anno loco et comitat prędict' circa horam ſecundam poſt meridiem eiuſdem diei martis, fuit in pace Dei et dicti domini regis apud H. præd' ibi venit quidam W. B. nuper de C. in com W. generi felonice ut felo dicti domini regis infidiando et exinſultu premedit contra pacem eiuſdem domini regis coron' et dignitat ſuas die anno hora loco et comitat' pred', in predictam C. magiſtram ſuam q adtunc grauida fuit et vicina partui inſultum fecit, et eandem C. cum quodam ſecur vocat' a hatchet valor quatuor denar quem idem W. adtunc et ibidem in manibus ſuis tenuit, ſuper ſiniſtram partem capitis ſui felonice percuſſit dans ei plagam mortal' de qua quidem plaga mortale eadam C. inſtanter obiit. Et ſic iur prędi' ſuper ſacramentum ſuum pred' dic' quod predict W. B. præd' C. magiſtram ſuam adtunc et ibm felonice interfecit et murdravit contra pacem dicti domini regis coron' et dignitat' ſuas, &c. In cuius rei Teſtimon', &c.

Inquiſitio, &c. ſuper viſum corporis cuiuſdam I. S. ibm mortui iacent per ſacrm A. B. C. C. &c. ad

ad numerum duodecem ad minus Iuratoꝝ triat & onerat ad inquirendum qualiꝫ & quomodo prędict' I.S. ad mortem ſuam deuenit qui dic' ſuper ſacramentum ſuum quod ita accidit apud M. in comitat prędd die, &c. Anno, &c. circa horam &c. ꝙ ubi prædd I. S. fuit in pace Dei & dicti domini regis apud M. prædd eiſdē die anno loco & hora ibi ven' W.L. de M. prædict' & S. T. de S. in comitatu predicto Yeoman ut felon' dicti Domini Regis & ex maliciis ſuis precogitat in ipſum I. S. adtunc et ibidem inſultum fecerit & prædd W. L. cum quadam pugione Anglice a Dagger valoris quatuor denar quem ipſe in manu ſua dextra adtunc & ibidem tenebat & dict' I. S. ſuper ſiniſtram partem corporis ſui, videlicet ſuper aſſellam percuſſit uſque ad corum ſuum dans ei plagam mortalem unde idem I.S. inſtanter obiit, Et ſic Iuratores prædd ſuper ſacramentum ſuum predict' dic' quod predict' W.L. prefatum I.S. apud M. predd' modo & formꝫ predict' felonice interfecit & murdravit contꝫ pacem dicti Domini Regis coron' & dignitat ſuas, &c. Et ulterius Iuratores prædd ſuper ſacramentum ſuum prædd dic' quod prędict' S.T. die anno loco & hora prædd fuit preſence aſſiſtanc' abbettanc' procuranc' confortanc' & manutenens præfat W. L. ad feloniam & murdrum prædd in forma prædd faciend & perpetrand. In cujus rei Teſtimon', &c.

South. Man-slaughter.

Inquiſitio, &c. ut prædd eſt qui dic' ſuper ſacra-

cramentum ſuum quod R. S. nuper de D. in Comitatu prædicto yeoman decimo nono die Decembris anno decimo ſupradicto vi & armis, videlicet gladiis, &c. in quendam T.C. apud D. prædict' in comitat̄ prædict̄ cum quodam candelabro Anglice with a candleſticke valoris duodec' denarior̄ quod idem R. in manu ſua dextra adtunc & ibidem tenuit eundem T. ſuper caput ſuum felonice percuſſit dans eidem T. adtunc & ibidem unam plagam mortal' longitudinis duorum pollicium latitudinis dictę unius pollicis & profunditatis trium pollicium, poſteaque ſcilicet eiſdem die anno & loco idem R. corpus eiuſdem T. adtunc & ibidem ad terram proſtrat̄ manibus genibuſque ſuis tam dire & violenter quaſſavit, Ita quod prædict' T. de plaga & quaſſacione prędict̄ interiit. Et ſic Iurator̄ prędict̄ ſuper ſacramentum ſuum predictum dic' quod prædict̄ R. prædict' T. modo & forma prędict' adtunc et ibidem felonice interfecit contra pacem dicti domini Regis coron' & dignitatem ſuas, &c. Et ulterius Iurat̄ prędict' ſuper ſacramentum ſuum præd̄ dic' quod præd̄ R. tempore feloniæ præd̄ ꝑ ipſum ut præd̄ eſt commiſſ. nulla habuit bona aut catall' terr̄ neque tenement̄ in com̄ præd̄ nec alibi ad eorum notitiam, In cui⁹ rei Teſtim̄, &c.

*South. Roberiæ et murder, per hominem ignot'.*

Inquiſitio, &c. qui dic' ſuper ſacramentum ſuum quod viceſimo quarto die S. anno, &c. ſic accidit quod quidam homo ignotus Deus

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pre oculis ſuis non habens ſed inſtigatione diabolica ſeductus & motus vi & armis videlicet gladiis, &c. inter horas ſeptimam & octavam ejuſdem diei apud L. in comitatu prædict' via regia ibidem in & ſuper prædict' S. B. adtunc & ibidem in pace Dei & dict' domini Regis exiſten' felonice ut felo dicti domini Regis inſultum fecit & prædict' homo ignotus cum gladio prædict' valor' quatuor denarior' quem idem homo ignotus in manu ſua dextra adtunc & ibidem tenebat prædict' S. B. ſuper pectorem ſuum adtunc & ibidem felonice percuſſit dans eidem S. B. adtunc & ibidem cum gladio prædict' vnam plagam mortalem latitudinis unius pollicis & profunditatis ſex pollicium de qua quidem plaga mortali prædict' S. adtunc & ibidem inſtanter obiit, Et ſic Iurat' prædict' ſuper ſacramentum ſuum prædictum dic' quod prædict' homo ignotus præfatum S. B. modo & forma predict' felonice interfecit & murdrauit contra pacem dicti domini Regis coron' & dignit' ſuas, Et ulterius Iurat' prædict' ſuper ſacramentum ſuum prædict' dic' quod prædict' homo ignot' poſtquam ipſum feloniam & murdrum prædict' ſcilicet in forma præd' feciſſet & perpetraſſet fugam fecit contra pacem dicti domini Regis, &c. In cuius rei Teſtimon', &c.

*Fugā fecit.*

*Murder' de ſe ipſo qui ſeipſum ſuſpend' nul' terr' ſoluit &c.*

Inquiſitio, &c. qui dic' ſuper ſacramentum ſuum quod prædict' H. quarto die Aprilis, anno,

&c. ſupradicto circa horam quartam poſt meridiem eiuſdem diei deū præ oculis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus apud T. prædict' in quodam prato ejuſdem VV. vocat' Edés meade adtunc & ibidem ſolus exiſtens cum uno ſingulo corrij valoris unius denarii quod ipſe adtunc & ibidem in manibus ſuis habuit & tenuit, & unum finem inde circa collum ſuum adtunc & ibidem poſuit & alterum finem inde circa ramum cujuſdam arboris ſilicis ligavit & ſeipſum adtunc & ibidem cum ſingulo præd' voluntarie & felonice ſuſpendit & ſuffocabat, Et ſic Iuratores pręd' ſuper ſacramentum ſuum prædict' die' quod prædict' H. W. modo & forma prædict' voluntarie & felonice ut felo de ſe ſeipſum murdravit contra pacem dicti domini Regis coron' & dignitatem ſuam, &c. Et ulterius Iuratores predict' ſup ſacramentum ſuum predictum dic' quod præd' H. VV. tępore felonię præd' nulla habuit bona aut catall' in com' ad eorum noticiam. In cuius rei Teſtimon', &c.

Inquiſitio, &c. ut ſupra qui dic' ſuper ſacramentum ſuum quod prædict' A. P. tertio die Octobris anno, &c. ſupradicto circa horam, &c. Deum præ oculis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus ex malicia ſua precogitat' apud S. prędict' in cōitatu præd' adtunc & ibidem ſol' exiſten' in communi riuola ibidem ſeipſum voluntarie & felonice emergit. Et ſic Iuratores præd' ſuper ſacramentum ſuum

præd

pręd dic' quod prædictus A. P. modo & forma prędict adtunc & ibidem voluntarie & felonice ut felo de ſe ſeipſum occidit murdrauit contra pacem, &c. In cuius rei Teſtimon' &c.

Inquiſitio, &c. ſuper viſum corporis cuiuſdam G. P. ibidem mortui iacen' per ſacramentum A. B. &c. Iurat ad inquirend qualit & quomodo prædict' G. P. ad mortem ſuam devenit, qui dic' ſuper ſacramentum ſuum quod prædict G. P. quarto die Maii Anno &c. ſupradict apud H. exiſtens adtunc & ibidem non compos mentis ſeipſum in unum fontem voluntarie proiecit, Et ſic Iurat predict, ſuper ſacrament ſuum pręd dic' quod præd G. P. ex cauſa prædict' modo & forma prędict' ad mortem ſuam deuenit. In cuius rei Teſtimonium, &c.

*De bomine lunat' qui ſeipſum emergit' non eſt felonia.*

Inquiſitio, &c. ſuper viſum corporis cuiuſdam H. C. nuper de O. in comitatu prædict Husbandman ibidem mortui iacent qui ante tunc commiſſus fuit ill' per B. T. mil' unum Iuſtic' pacis dicti domini Regis comitat predict' pro ſuſpect felon' per ſacramentum A. B. &c. qui dic' ſuper ſacramentum ſuum quod prædict' H. G. decimo die Ianuar anno, &c. ſupradict in gaola prædict ex viſitatione Dei obiit. Et ſic Iurat prædict ſuper ſacramentum

*De priſonar' qui mariebant' in gaola dom. regis.*

ſuum prędict' dic' quod prędict' H. G. modo & forma predict' ad mortem ſuam devenit & non alit ad eorum notitiam. In cuius rei Teſtimon', &c.

Inquiſitio, &c. qui dic' ſuper ſacramentum ſuum quod quatuordecem die Aprilis anno &c. ſupradicto apud C. in comitatu prædict' inter horas ſeptimam & octavam ante meridiem eiuſdem diei cum uno falcaſtro Anglice an Axe quod idem L. H. adtunc & ibm̃ in manibus ſuis habuit & tenuit ſcindebat & proſtravit unum quercum adtunc creſcen' in quodam boſco vocat̃ le Chaſe ratione cujus proſtracionis querci prædict' prędictus quercus adtunc & ibidem per infortunium cecidit ſuper caput prędict' L. H. dans eidem L. H. unam plagam mortalem longitudinis trium pollicium, & profunditatis unius pollicis de qua quidem plaga mortali prædict' L. H. adtunc & ibidem inſtanter obiit. Et ſic jurat̃ predict' ſuper ſacramentum ſuum prædictum dic' quod L. H. modo & forma prædict' per infortunium ad mortem ſuam deuenit, Et ulterius Iuratores prædict' dicunt quod prædictus quercus eſt valoris octavorum ſolidorum & quod jacet in boſco prædict' modo in tenura cuſtodia ſive occupatione reverend̃ in Chriſto patris Thomæ domin' Epiſc. Winton'. In cuius rei Teſtimon', &c.

Inqui-

Inquisitio Indentat' &c. qui dic' super sacramentum suum quod prædict' R. W. undecimo die Octobris, &c. Anno, &c. supradicto apud P. prędictum in Comitatu prædicto eundo cum carma sua a Reding in Comitatu B. usque Basingstoke in Comitatu Southt. prædict per viam inter R. & B. prædict' scilicet apud P. prędictū in Cōitatu prædict' carma sua prædict' onere suo Anglice his said Cart with the loade cessidit super corpus præd' R. W. Et ita quassavit corpus suum quod de quassatione ill' prædictus R. adtunc & ibidem instanter obiit. Et sic Iuratores prædict' super sacramentum suum prędictum dicunt quod prędict' R. W. modo & forma prędict' per infortunium ad mortem suam devenit, Et ulterius Iuratores prædict' super sacramentum suum prædict' dic', quod adtunc & ibidem tres equi & duo boues cum carma prędict' & onore suo videlicet sex sarcinarum lane Anglie six packes or farthels of Wooll continen' in se per estimationem viginti quatuor pond. Anglice containing in them by estimation foure and twentie tods of Wooll, moverunt ad mortem prędict' R. W. Et quod prędict' tres equi & duo boves sunt precii 4. li. & 10. s. Et quod præd' carma est valoris xx. s. Et quod præd' equi boves & carma remanēt in custod' I. W. de P. præd' vid' nuper uxore prędict' R. W. Et quod præd' sex sarcinę sunt valoris sexdecem librarum, unde dic' duo prędictarum sex sarcinarum sunt valoris 4. li. 13. s. 4. d.

*Al' per infortunii per carma cū onere suo.*

& remanent in custodia H.P. de B. præd' Clothier & quod al' tres sarcin' prædict' sex sarcinarũ sunt valoris octo librarum & rem̃ in custod' T. B. de Romsey in comitatu S. prædict' Clothier, Et pred una alia sarcina resid' predictar' sex sarcinarum est valoris sexaginta sex solidorum & octo denarior' & rm̃ in custod' VV. B. de R. præd' Clothier. In cuius rei Testimon', &c.

*FINIS.*

# *The Oath of the Sherife to the Supremacie.*

I B. C. doe utterly teſtifie and declare in my conſcience, that the Kings highneſs is the onely ſupreame governour of this Realme, and of all other his highneſſe Dominions, and Counties, as well in all ſpirituall things, or cauſes, as temporall: And that no forreine Prince, Perſon, Prelate, State, or Potentate, hath, or ought to have any iuriſdiction, power, ſuperiority, preheminence, or authority eccleſiaſticall or ſpirituall, within this Realme; And therfore I do utterly renounce and forſake all forreine iuriſdictions, powers, ſuperiorities, and authorities, and do promiſe that from henceforth I ſhall beare faith and true allegiance to the Kings Highneſſe, his heires and lawfull ſucceſſors, and to my power ſhall aſſiſt and defend all iuriſdictions, priviledges, preheminences, & authorities, granted or belonging to the Kings highnes, his heires and ſucceſſors, or united, and annexed to the Imperiall Crowne of this Realme. So helpe me God, and by the contents of this booke.

*His*

*His Oath by Statute for the due execution of his Office.*

YOu ſhall ſweare, that well and truely ye ſhall ſerve the Kings majeſty in the office of the Sherife of the county of Southhampton, and doe the Kings profit in all things that belongeth to you to do by way of your Office, as farre forth as you can or may: you ſhall truely keep the Kings rights, and all that belongeth to the crown: you ſhall not aſſent to decreaſe, or leſſing, nay, to concealment of the Kings rights, or of his Franchiſes, And whenſoever you ſhall have knowledge that the Kings rights, or the rights of his crown been concealed or withdrawn, to be in lands, rents, franchiſes, or ſuits, or any other things, ye ſhal do your true power to make them to be reſtored to the King againe: And if you may not do it, ye ſhall certifie the King or ſome of his Counſell therof, ſuch as you hold for certaine will ſay it to the King: ye ſhall not reſpite the Kings debts for any gift, or favour, where you may raiſe them without great grievance to the debtors: ye ſhall truely and rightfully treat the people of your Sherifwick, and do right as well to poore as to rich, in all that belongeth to your Office: ye ſhall doe no wrong to any man for any gift, or other beheſt or promiſe of goods for favour nor hate: ye ſhall diſturb no mans right: ye ſhall truly acquit at the Exchequer all thoſe of whom ye ſhal any thing receiue of the Kings debts: ye ſhall nothing take whereby the

King

King may loſe, or whereby the right may be letted or diſturbed, and the King delayed; ye ſhall truly returne and truly ſerue all the Kings Writs, as far forth as ſhall be to your cunning: ye ſhall not have to be your Vnderſherife any of the Sherifes of the laſt yeare paſt: ye ſhall take no bailife into your ſervice, but ſuch as you will anſwer for: you ſhall make each of your bailifes to take ſuch oath as you make your ſelfe in that belongeth to their occupation, you ſhall receive no Writ by you nor any of yours unſealed, or any ſealed under the ſeale of any Iuſtice, ſaving the Iuſtice in Eire, or Iuſtice aſſigned in the ſame ſhiere where ye be ſherife, or other Iuſtices having power and authority to make any Writs unto you by the Law of the land, or of the Iuſtices of Newgate: you ſhall make your bailifes of true and ſufficient men in the country, Alſo ye ſhall doe all your power and diligence to deſtroy and make to ceaſe all manner of hereſies and errors, commonly called Lollaries, within you bailiwicke from time to time to all your power, and aſſiſt and bee helping to all the Ordinaries, and Commiſſaries of the whole Church, and favour and maintaine them as often as you ſhall bee required by the Ordinaries Commiſſaries: ye ſhall bee dwelling in your owne proper perſon within your Bailiwicke for the time ye ſhalbe in the ſame office except yee bee otherwiſe licenſed by the King; yee ſhall not let your Sherifewicke, nor any bailiwicke

bailiwicke thereof to any man: ye ſhall truely ſet and returne reaſon and due iſſues of them that be within your bailiwick after their eſtate and behaviour, and make your pannels your ſelfe of ſuch perſons as be moſt next, moſt ſufficient, and not ſuſpect, nor procured, as it is provided by the ſtatutes. And over this, in eſchewing and reſtraint of manſlaughters, robberies, and other manifold grievous offences that be done daily, namely by ſuch as name themſelves Souldiers, and by other vagrants, the which increaſe in number, and multiply ſo, that the Kings ſubiects may not ſurely ride nor go to do ſuch things as they have to do, to their intollerable hurt and hinderance: Ye ſhall truely and effectually with all diligence poſſible to your power, execute the ſtatutes, as the ſtatutes of VVincheſter, and for vagabonds. All theſe things yee ſhall truely obſerve and keepe, as God you helpe, and by the contents of this booke.

Of

# Of the authority of a Sherife, and how and in what manner he ought to execute his *office in all things that* are in uſe.

## The Second Booke.

FIrſt of all, when he is appointed to bée ſherife, hée is then Cuſtos Comitat, and his power and authority is very great, as hereafter I will ſet forth and declare at large: and at the entrance into his office, the firſt thing that he muſt doe, is to goe into the Exchequer, into the Kings remembrancers office there, and to enter into Recogniſance there with ſureties, or ſome for him, for the payment of his proffers, at or before menſe Paſchæ, and menſe Michael' then next following. That done, his Attourney there, will write him a note, thereby ſignifying that he is Sherife of ſuch a county, and that he hath entred Recogniſance for his proffers, the which note, the Sherife muſt deliuer to one of the fiue clerks in

th the Chancery, for his warrant to make the Sherifes Patent by, with his writ of assistance, and a writ of discharge to be deliuered to his predeceſſor, to discharge him out of his office, the which would be deliuered with all ſpæd, for his owne benefit or his vndersherifes: for vntill it be deliuered to his predeceſſor, the precedent vndersherife may doe execution of proces. And this being done, then if he be ſo well prouided, he may take his vndersherife with him, and goe either to a Maſter of the Chancery or to one of the Iudges of the aſſiſes of that ſhire, wherof he is sherife, and take their oathes for the due execution of the ſaid office, or els he muſt haue a Dedim⁹ proteſtat' out of the Chancery, from the Clerk which made his Patent, directed to two Iuſtices of Peace of the ſame county, whereof one muſt be of the Quorum, to giue him his oath in the country; but his Vndersherife may bee ſworne by two Iuſtices of Peace, whereof one muſt be of the Quorum, without Commiſſion: and vntill they bee thus ſworne, they may not entermeddle with the execution of any proces by the Law.

A Sherife at or before his firſt County Court, muſt take ouer from the old Sherife his predeceſſor, all his priſoners, and writs, preciſely by viewe and by Indenture to bee made betweene them, wherein all the cauſes which he hath againſt euery priſoner (at the

perill

perill of the old Sheriffe) must bée set forth and declared, or else the new sheriffe néeds not to take any notice of any thing that is omitted, and left out of the Indenture: for he is not chargeable with it, but the old sheriffe as it appeareth of late in a case adiudged in my L. Cokes 3. booke of Reports, Wesbies case fol. 72. against the Sheriffe of London: for although they set him ouer by Indenture, yet they set not ouer all the causes which they had against him, but omitted an execution which after was recouered against the old sheriffes by the plaintife, and Wesby was at liberty, and the sheriffes were sans remedy.

All the Writs which are set ouer in the indenture betwéene the Sheriffes, if they haue béene executed by the old Sheriffe, then they must be returned by him, and indorced vnder by the new Sheriffe thus, I send bée prout indorsatur mihi deliberat' fuit p R. VV. milit' nuper vic' prox. predeceſſ. meum in exit' ab officio ſuo.

H.C. Milit' vic'.

And a sheriffe at the first county court which shall happen to be after his election, & discharge of the old sheriffe, must read his patent and his writ of Assistance, & nominate his vndersherif, the county clerk, and 4. deputies of Repleuins at the least for the ease of the Country, who ought to dwell 12. miles one from another: in euery quarter of the county one, to grant Repleuins when néed shall require.

- Primus

South. Primus Com̃ F. P. mil' vic' Com̃ pred' and so next second Com̃ the next county court tent apud Castr̃ VVinton' tali die et anno letting the Kings stile at large.

Then the bailife must make an O-yes, and say thus, essoins and proffers (before the court three times) pur ceſt iour. And then say, if any man will bee essoined or enter any plaints, let them come in and they shalbe heard.

Essoins. A.B. Essoin' est quia egrotat' vel similia.

A.B. querit' versus C. D. de placit' debit' & iniuste detent' averior̃ suor̃ or de placit' debit' detent' trangress. vel similia, as the case is.

This court ought to bee kept euery moneth vpon a day certaine of necessity by reason of the Kings writs of Exigents which must bee read there.

And the actions must be called there as they are in a hundred court or court Baron, and it will not hold plea where the debt or damage is xl. s. vnlesse it be by writ of Iusticies out of the chancery, which is a commission to the sheriffe to hold plea of any summe whatsoeuer, and yet it is but in the nature of a distringas, to distraine a man by his goods to answer there to the plaintifes action, for his body cannot bee touched with it by law, nor his lands.

And the like entries, plaints, answers, bars and issues are to be put in there as are vsed in a hundred Court, or Court Baron, for this Court is but a Court Baron. And although it

it be the sherifes court, yet the Freholders of the county are the Judges there in all actions, And the Kings Cozoners of the County are onely Judges to giue Judgement vpon the Kings writs of Exigents, and none else: and if they be freholders as they ought by the law to be, they are also Judges of their actions: if they bee not, they may bee remoued from their places for lacke of freehold, it is a sufficient exception in law to bee taken against them, in that case.

And the like proces or precepts as are made out of a hundred court mutatis mutandis, are to be made out of this court, viz. sammons attachment, and distresse infinite.

Election of Knights for the Parliament, and of Cozoners and Verderers, are alwaies made by the Kings Writ in open County Court, and the day and time when, & by whom, viz. by the freholders of the county, and the knights are to be chosen betweene 8. and 9. of the clock in the forenoone, sedente cur, And the names of such freholders as are at the election of Cozoners and Verderers, ought to be set down in the county court booke, for to testifie such election, and the sherife is to minister vnto the Cozoners and the Verderers, their seueral oathes for the due execution of their offices.

*A Replevin.*

Fr. P. miles vic' Com pred ballivo Hundr de South.

H. necnon Io. S. ballivo meo hac vice & eorum utrique coniunct & diuiſim ſalutem. Quia W. P. inuenit mihi ſufficient ſecuritat tam de Claim ſuo proſequendo, quam de aueriis ſuis, videlicet, uno ſpadone, tribus equis, &c. quę I.C. cepit & iniuſte detin' ut dicitur, retc', ſi retor inde adiudicatur. id ex parte Dom Regis vobis & utrique veſtrum coniunct & diuiſim mãdo quod repleg' & deliber' fac' ſeu unius veſtrum replegiar'. & deliberar' fac' pref. W. P. auer' ſua præd', Et qd' ponat ſeu, &c. per vad & ſaluos pleg. prędt I.C. Ita quod ſit ad prox' Com meum apud Caſtr' Winton' tenend', ad reſpondend' præfat VV. P. de placit' Capt & iniuſte deten' auer' ſuor' pręd', Et qualit', &c. mihi ad prox' com meum certificit', ſeu, &c. ſub periculo incumbent' dat' ſub ſigill' officii mei ultim die Decẽbris anno reg. dom noſtr' Iac' dei grac' Angl' Scocię Franc' & Hibern' Regis fidei defenſor &c. viz. Angl' Franc' & Hibern' xiiii. & Scocię quinquageſimo.

*Per me Ric. W. milit' vic'.*

And if this Repleuin be granted by a depuſy to the Sherife, then he muſt ſet his name to the Repleuin thus.

Per me I. VV. unum deput dicti vic ſecund form Stat.

And

And if the first Repleuin bée not executed, then the sherife or his deputy may grant an alias Replevin, and so a plur̄ Repleuin, vel causam mihi significes, and after totius quotius if néed be. And vpon all these Repleuins, there must be a bond of x. li. at the least taken of him to whom the Repleuin is granted for his appearance at the next court after, and prosecution of his suit with effect against the taker of the cattell, and to make returne thereof, if returne be adjudged, the forme of which band and condition thereof must be thus.

Noverint̄ uniuersi per present̄ me VVill' P. de C. in com̄ Southt. gener̄ teneri & firmit̄ oblig. F. P. mil' vic' com̄ pred̄ in decem libr̄ bonæ & legal' mont̄ Angl' soluend̄ eidem vic' aut suo cert̄ Attorn' execut̄ vel assign' suis. Ad quam quidem solut̄ bene & fidelit̄ facien̄d oblig' me hær̄ exec' & administ' meos firmit̄ per present. Sigillo meo sigillat' dat̄, &c. As all other bands are. Obligatio.

The condition of this present obligation is such, that if the aboue bounden V.V. P. doe appeare at the next County Court to bée holden at the Castle of Winchester, and then and there doe prosecute his action with effect against I. C., for the wrongfull taking and detaining of his cattell, videlicet, of one gelding and thrée horses as it is alledged. And doe also make returne thereof if returne thereof shall bée adjudged by Law, and also doe saue Conditio.

and kéepe harmeleſſe, and indempnified, the aboue named ſherife, his vnderſherife, and bailifes for, touching and concerning the deliuery of the ſaid cattell, that then this preſent obligation to be void and of none effect, or els the ſame to ſtand, remaine, and continue in force, ſtrength and vertue.

And if in this caſe the taker of the cattell juſtify the taking as in his fréehold, then this court can proceéd no further therein, but the cauſe muſt bée remoued from thence by the Kings writ out of the chancery called a Recordare fac' loquelam, directed to the ſherife retornable the next terme following, either in the Kings bench, or in the Kings Maieſties court of Common Pleas, which the party will, for they are both common Law, but they are more properly belonging to the court of common pleas, and this writ ought to be openly read and allowed in the ſaid court, to the end that notice may be giuen thereof to the plaintife in the Repleuin, that he may appeare at the day of the returne thereof, and declare againſt the taker of his cattell, or elſe the taker will haue A retorn' hēd aver, and ſo put him to ſue forth the ſecond deliuerance, which is a diſaduantage to the plaintife, for he ſhall then haue no more ſecond deliuerance, otherwiſe hée might haue another, and let the Attorney for the plaintife ſée well to the ſealing of the writ of ſecond deliuerance with Retorn' hēd auerior

or

or else it will fall out to be manifeſt error, and ouerthrow the cauſe, be it neuer ſo juſt, when it is an exec', becauſe the writ of R. D. is an originall writ, but the def. therein ſhall haue no coſt, it was the caſe of Nic. M. Gent' againſt Tho. Newman in a Repleuin for an annuitie adjudged in the Kings Bench, Term. Trin' ann. xv. I.R.

Now next, the high Sherife will looke for his ſecurity from his vndерſherife before hée will truſt him with his office, becauſe hée will ſléepe quietly, and take his repoſe in ſafety: and for that commonly hée hath bonds and couenants of the vndерſherife & his friends. That men make not void all theſe bonds and couenants taken of their vndерſherifes, Let them looke to the ſtat. 5. E. 6. c. 16. And that gentlemens Clerks may ſufficiently know how to execute the office of an vndерſherife, I haue taken occaſion to ſet forth this booke of directions, ſufficiently to teach & inſtruct any Clerke that is willing to vndergoe the burden of this office for his maſter, rather than a gentleman of worth ſhal for a little money hazard his oath or his credit in his country, for by this meanes he had better (in diſcharge of his duty both to God and his Prince in the execution of his office) kéepe his office in his houſe, ſo that hé may take a continuall ſuruey of it himſelfe, then truſt a ſtranger vpon bonds and couenants with the whole execution of his office,

which by the statute of 23. Hen. 6. ca. 10. are thought by many opinions to be voyd or voydable, for the words of the Statute are these, That no sherife, nor none of his officers or ministers shall take or make any Obligation for any cause mentioned in the said statute, or colour of their office, but onely to themselues, of any person, or by any person which shall be in their ward, by course of the Law, but in the name of their office, and vpon condition written, That the said prisoners shall appeare at the day contained in their writs, bill, or Warrant, and in such places as the said writs, bils, or warrants shall require. And if any sherife, or any of his officers take any Obligation in any other forme, by colour of their office, that it shall be void: And in this course there can be no losse to the Sherife, if his vndersherife be careful to follow the directions here laid before him, for he shal both herby get good knowledge and experience, and some profit, and his master may giue him good allowance, and yet saue sufficient out of the honest gaines of the office, to passe his accounts, and to defray part of his other charge, and haue his countrymen wel dealt withall, and gently intreated according to his oath, whereas now, as the office is vsed otherwise by vndersherifes which buy their offices, they pay for it, or else the vndersherife must go away a begger.

The

## The forme of an Indenture for setting over of prisoners, and writs, betweene two Sherifes.

THis Indenture made, &c. betwéene I. K. Esquire, late Sherife of the County of South. of the one party, and Sir H. W. knight, now Sherife of the said County, on the other party, witnesseth, that the said I. K. by vertue of his majesties writ of discharge of his late office to him directed, hath deliuered and set ouer vnto the said sir H. W. these writs following, viz. A Capias versus VV. F. retorn' Oct' Hill' ad fect' Andr' Limboni, &c.

Together with the bodies of I. S. in execution at the suit of G. H. for a debt of 22 l'. and I. H. at the suit of C. D. in execution for x. li. &c. In witnesse whereof, &c.

## The forme of an Indenture betweene the high Sherife and his vnder-sherife.

THis Indenture made, &c. betwéene I. H. of D. in the County of S. Esquire, on the one party, and H. R. of G. in the said County, Gent. of the other party, witnesseth, that whereas the said I. H. being by the K. most excellent Maiesties appointed to be high Sherife of the said County of S. for this yeare to come, hath vpon special affiance, confidence, and trust, that

hée hath and beareth in and towards the said H. R. promised and granted to the said H. R. the vse of the exercising of the office of his Undersherife of the said C. together with all fées, fines, forfeitures of bonds, profits, commodities, aduantages, casualties, allowances, Liberties, franchises, courts, townes, Lætes, perquisites of courts, and other emoluments certaine and vncertaine whatsoeuer, to the office of sherifwicke or vndersherifwicke belonging, or in any wise appertaining, that any sherife or vndersherife of the said C. hath heretofore iustly and lawfully claimed or had, to haue and enjoy during, & by all such time as he the said I. H. shalbe, remaine, and continue high sherife of the said C. of this appointment or election not discharged. In consideration whereof, the said H. R. couenanteth, granteth, and agræth, and faithfully promiseth for him, his heires, executors, and administrators, that hée the said H. R. his heires, executors, or administrators, shall and will discharge, or otherwise sufficiently saue and kéepe harmeless as well the said I. H. his Heires, Executors, or Administrators, as also his and their, and euery of their goods, cattels, Lands, tenements, and hereditaments, of and from all and all maner of troubles, vexations, suits, Actions, Informations, complaints, contempts, fines, forfeitures, amerciaments, penalties, paines, sum and sums of money payable or leuiable to or for the K. Ma.

or

or any other person or persons whatsoeuer, for any matter or thing to be done in or about the said office, & of and from all losses, hindrances, & damages, that shall or may bée lawfully moued, stirred, procured, commenced, prohibited, prosecuted, happen or fall, or lawfully asked, demanded, or leuied vpon the said I. H. his heires, executors, or Administrators, or of or vpon his or their, or any of their goods, cattels, lands, tenements, or hereditaments, for or by reason of the said office of Sherife, either by non-suing, or vnlawfull returning, slow returning or misreturning of any Precepts, writs, warrants, or proces to the high Sherife directed, or to bee directed, or for, by cause, or means of any excessiue or vnlawfull extortion or exaction, or taking of any money, or other gaine or commodity, for the seruing or not seruing of any such writs, Warrants, Precepts, or Proces, or for or by reason of any misdemenor, misusing, or misgouernment, negligence, lacke of skill, or of ignorance that shall bée in the said H. R. in or about the doing, exercising, or executing of the said office of vndersherife, & the said H. R. for himselfe, his heires, Executors, & administrators, by these presents doth couenant & grant to and with the said I. H. his heires, executors, and administrators, in like maner to discharge, or otherwise to saue harmlesse and indempnified, as wel the said I. H. his heirs, executors, and administ. as also all their

goods

goods and cattels, lands, tenements, and hereditaments of and from all maner of escapes, both wilfull and negligent of traitors, felons, and all other prisoners committed, or to be committed to his or their safe kéeping or charge, in breach of prisons, and of and from all fines, forfeitures, amerciaments, sums of mony, and penalties that he or they or any of them shall or may incur, beare, pay, or sustaine for any escape or breach of prison during all the time of his continuance in the said office of high sherife of this appointment, and moreouer the said H. R. shall giue attendance conuenient, & requisit vpon the K. courts at West. vpon the Iudges of Al. and Iu. of the P. and other commissioners and officers within the said Co. vpon whom the said I. H. or the said H. R. in respect of the said office of sherifewicke ought by the lawes of this Realme to attend; And furthermore shall within one yeare next after the discharge of the said I. H. from his said office, iustly & truly make a perfect account in the K. Exchcq. or elsewhere of all the sums of money, receits and other things wherewith the said I. H. shall or may be charged as sherife of the said Co. of S. and shall within the said time deliuer vnto the said I. H. his heires, &c. a sufficient acquittance or quietus est. And it is further agréed vpon by the said parties to these présents, that euery one of the bailifes of Hu. & all other the officers vnder the Sherife, shall enter

into

into ſufficient band by obligation, that they and euery of them ſhall truely, and diligently, deale in, exercife, and execute their offices during the time aforeſaid, and if any one ſhall refuſe to enter band or miſdemeanor himſelfe, that then it ſhall be lawfull to and for the ſaid H. R. in his diſcretion to place another mete for that office in the roome of ſuch perſon that ſhall refuſe or miſdemeanor himſelfe as is afore ſaid, In witneſſe whereof &c.

The bonds are commonly taken of the vndersherife and his ſureties for the performance of theſe couenants, and they are ordinary as all other bands are for performance of couenants and therefore here neds no preſident for them.

A condition for a Gaoler to enter in to the ſherife, for the ſafe keeping of his priſoners.

The Condition, &c. That whereas the aboue named S. H. W. hath at the ſpeciall inſtance and requeſt of the aboue bounden W. V. conſtituted and appointed the ſaid W. V. to bee his keeper of all ſuch priſoners as ſhalbe arreſted or attached by any manner of writ, warrant, or precept. made or to be made, by or in the name of the ſaid S. H. W. or by or in the name of I. W. his vndersherife, If therefore the ſaid W. V. his deputy or deputies, aſſig-

nee

née or assignées, or any of them shall and doe well and safely kéepe all such prisoners as shal be committed to him or them, or any of them, and therein shall saue and kéepe harmeleſſe, and indempnified, the said sherife, his heires, executors, and administrators, at all & euery time and times hereafter, of and from all and all manner of escapes of all manner of prisoners that shall be committed to the custody and safe kéeping of the said W. W. or left vnder the custody or charge of any of his deputies, or assignes, and of and from all and all maner of iudgements, executions, fines, charges, troubles, & incumbrances whatsoeuer, which shall or may hereafter grow or happen to be taxed, imposed, estreted, or leuied vpon, of or against the said Sherife, as sherife of the C. aforesaid, for or by reason of any such escape, or escapes, as aforesaid, And also if the said W. W. his deputie or assignée, shall not discharge or set at liberty, out of his or their custody, and safe kéeping, any prisoner or prisoners which now are, or that hereafter shall or may bée by the said sherife, or by his vndersherife or deputy, or by any of their bailifes taken, committed, deliuered, or left in the custody of the said W. W. his deputy or seruant, without the speciall warrant in writing vnder the hand and seale of the officer of the said Sherife in that behalfe first had and obtained. That then &c.

## A condition for a Bailife to enter into, to the Sherife.

The Condition, &c. That whereas the aboue named S. B. T. at the ſpeciall inſtance, earneſt intreaty of the aboue bounden I. P. hath authorized and appointed the ſaid I. P. to be one of his bailifes within the Co. of S. aboueſaid, and in more particular hath committed to his charge the Bailiwicke of the Hu. of S. & B. if therefore the ſaid I. P. & all ſuch perſons, &c. for & about the executing of ſuch things as ſhall be giuen him in charge to do, & execute as Bailife of the Hu. doe juſtly &c. execute his ſaid office according to the effect and intents of ſuch warrants, and precepts as ſhal be directed vnto him, and come to his hands, from the aboue named Sherife, or from his vndersherife to be executed, and ſhall and do vpon the view of euery warrant vpon meane proces from the ſaid ſherife, take ſufficient band with two ſureties for the appearance of the def. arreſted according to the Stat. in that caſe made and prouided, & ſhall ſafely conuoy or deliuer euery ſuch band, vncancelled vnto the ſaid Sherife, or his vndersherife, before ſuch time as the proces whereupon the ſaid warrant is made is returnable, and alſo ſhall at all times, and from time to time, during the continuance of the ſaid Sherife in Office of Sherife of the ſaid

ſaid countie, be ready and attendant both vp-on the ſaid Sherife, and vpon his vnderſherife aſwell at euery Aſſiſe & ſeſſions, as alſo at euery C. court to be holden &c. then and there to execute his ſaid office as appertaineth, And alſo ſhall well and truely pay, or cauſe to be payed, to the ſaid Sherife or his vnderſherife, at the feaſts of Eaſter and S. Mich. the Archangel now next comming after the date aboue written, all and euery ſuch ſumme and ſumms of money as hath bin accuſtomed yearely to be payed to the Sherife of the ſaid County for the K. Maieſt. out of the ſaid hundreds, vpon the account of euery bailife of the ſaid hundreds, commonly called Sherifes turne money: And do in like maner before the ſaid feaſt of S. Mic. collect and gather of the inhabitants within the ſaid hundreds, all ſummes of money due to his Maieſt. vpon the ſummons and ſcedule of the greene way, a ſufficient warrant being in conuenient time deliuered vnto him to that end and purpoſe, and doe accordingly pay the ſame to the ſaid Sherife, or to his vnderſherife, within one moneth next after hee hath gathered and collected the ſame, without couin or further delay, That then, &c.

A Sherife is to make Warrants vpon mean proces, or execute them himſelfe, which is not poſſible for him to doe execution of all: and they muſt bee made according to the ſeuerall natures of his writs, which for the ſub-

ſtance

ſtance will direct him, but not for the forme thereof, and that doth differ in many counties but all to one effect, as in the county of Southhampton, thus:

*A generall Warrant.*

Sſ. F. P. Miles Vicecom̃ com̃ predict̃ balliuo hundredi de Houlſhot ſalut̃ ex parte dom̃ Regis tibi mando quod capias A. B. ſi &c. Et eum ſalvo &c. Ita quod habeam corpus eius coram Iuſtic' dom̃ Regis apud Weſtmon' in oct' ſanct̃ Hillarii ad reſponder̃ C. D. de placito debit. or Treſpaſſe according to the Writ, Et hoc &c. Dat̃ ſub ſigillo officii mei xx. die Decembris, Anno regni dom̃ reg. nunc Angl' &c. xiiii.

*Per F. P. Mil. Vic.*

*A ſpeciall Warrant.*

Sſ. F. P. Miles Vic' com̃ prædict̃ balliuo hundred̃ de H. necnon I. W. & T. B ballivis meis hac vic' & eorũ cuiuſlibet ſalut̃ ex parte domin' Regis vobis & cuiuſlibet vrm̃ coniunct' & diuiſim mando quod capiatis ſeu &c. A. B. ſi &c. Et eum ſalvo &c. Ita q̃ habeam corpus eius cor̃ dom̃ rege apud Weſt. die Iouis prox' poſt oct' ſ. Hill' ad reſpond̃ C. D. de placit̃ tranſ. &c. Dat̃ &c. ut ſupra.

xx. die Decembris, anno dom̃ 1638.

Mp

By vertue of the Kings Majesties Writ to me directed, Rex coram domino Rege apud Westm̃ die Iouis prox' post quindena Sãcti Hil', or if it be out of the Court of common pleas, then Rex coram Iusticiar̃ domin' Regis apud Westm̃ in oct' Sanct' Hillarii, you shall arrest A.B. if he may be found within my baliwick, to answer to C.D. in a plea of trespasse, or in a plea of debt, according to the writ. Dat' sub sigillo officii mei die & anno suprad', &c.

*Per I.P. Mil' Vic'.*

To I.P. and R.S. my speciall bailifes in this behalfe, joyntly and severally greeting.

And in Yorke they use to make their Warrants thus, upon their meane proces.

Sr. Georgius S. Miles, & Baronet' Vicec' Com pred' omnibus ballivis meis, vel omnibus ballivis infra com̃ pred' tam infra liber' quã extra necnon I. B. & C. D. ballivis meis hac vic' tant' itinet' salut', ex parte dom̃ reg' vobis & cujuslibet vim coniunct' & divisim mando q̃ capiat' seu, &c. A.B. si, &c. Et eum salvo, &c. Ita q̃ habeam̃ corpus eius coram dom̃ rege, If the Writ come out of the Kings bench, apud West. die Iouis prox. post quinden' sanct Hill', but if the Writ come out of the court of common pleas, then it is coram Iustic' dom̃ reg. apud West. in oct' sanct' Hillar'

Hillar ad respond C. D. de pl'to transg. or debt according to the writ. Dat sub sigill' officii mei tal' die & anno, ut supra.

And this seemes to be the best forme of warrants to haue them serued: and there they vse to make warrants vpon all their Executions in this forme, saying onely there is added these words before the teste of the Warrant, proviso semper q̄ hoc presens warrant exequend̄ est ad periculum querentis tant̄, and thereupon the pl: will not only pay down the fee for the executiō, as much as the Stat. allowes, but also giue bond without condition, for the sauing of the sherife harmeleſſe of the escape, if any should happen to be, onely they will set downe vnder the bond, the cause wherefore the bond is taken, & the bond is taken to a stranger, and yet neuer questioned, which makes executiō to be the better done, or else the country is so spatious, the Sherife would not be able to doe a quarter of his worke. And I see no reason but it may be vsed in any other country as well as there, and it will make the Sheriffs worke much the easier to bee done, and all things considered the more for his profit.

Also they vse there to make Warrants vpon Capias utlagat in the like forme, and to take bond, with condition, to bring the def. to prison, if he be arrested, which makes good executiō of these Proces: and it were good this were

vſed in all countries, then there would not bee ſo much extortion and indirect dealing vſed by Vndersherifes and Bailifes, to the Kings ſubjects, as there is, for if they take any man vpon a Capias utlagatum, they will not onely take mony of the plaintife for to take the Defendant, but when they haue taken him, for money they will let him goe againe, and they will alledge for a colour, it is to reuerſe the outlarie, which they haue nothing to doe with all. He ought to be brought to priſon, and there remaine vntill one Attorney or other haue reuerſed the outlawrie for him, and not the Sherife, for although he be an Attorney, he ought not when he is sherife to practiſe as an Attorney: but yet notwithſtanding they doe foreſtall the market, againſt the law and the highſherifes oath, and it is pitty that it is ſuffered to go vnpuniſhed.

*The forme of a band for appearance.*

NOverint univerſi per preſent nos A. B. de C. in com Southt. genet, E. F. de G. in com præd yeom. & H. T. de R. in comit præd yeoman, teneri & firmit oblig' F.P. mil' vic' pred in quadraginť libr bonæ & legal' monet Angl' ſolvend' eidam vic' aut ſuo cert Attorn' execut vel aſſign' ſuis, Ad quam quidem ſolut bene & fidelit faciend oblig' nos & quemlibet noſtr per ſe pro tot & in ſolid hær, exec', & adminiſtr, noſt.

noſt. & utriuſque nr̃m firmit̃ p̃ præſent̃, Sigillis nr̃is ſigillat̃, dat̃ 20. die Decemb. anno regni dom̃ noſtr̃ Iacob. Dei gratia Angl', Scoc', Franc', & Hibern', reg. fidei defenſ. &c. viz. Angl', Franc' & Hibern' 14. & Scoc' quinquageſim̃ annoque dom̃ 1616.

The Condition of this preſent Obligation is ſuch, that if the aboue bounden A.B. doe appeare coram domin' Rege apud VVeſtmon' die Iovis prox. poſt quinden' Sanct̃ Hil', if the writ be out of the Kings bench, according to the retorne of the writ: but if the writ be returned in the court of common pleas, then the words in the condition muſt be for the def. to appeare coram Iuſtic' domin' Regis apud Weſt. in oct̃ ſanct̃ Hill', or ſuch other retorne, according to the writ, to anſwer to C.D. in a plea of treſpas or debt, as it is in the writ, that then this preſent obligation to be void, and of none effect, or els the ſame to ſtand, remaine, and continue in force, ſtrength, and vertue.

Sealed and deliuered to the vſe of the aboue named Sherife, in the preſence of A.R. & T.S. Two witneſſes at the leaſt.

A Sherife before he returne any Writ into the Chancery, the K. Bench, the court of common pleas, and the Exchequer, ought to haue an Attorney or Deputy in euery one of thoſe

courts of record, to answer for him by warrant of Attorney. And if any sherife do contrary to this ordinance in any point, hee forfeits xl. li. euery time, and treble damages to the party grieued: one moity thereof to the King, and the other moity to him that will sue, by a stat. law made anno 23. H. 6. ca. 10.

You shall find in this booke good returns for all manner of writs now in vse, here set downe to your view, whensoeuer you shall haue occasion to vse them, and also apt returns of all your Exchequer proces, with apt and due formes of all sorts of Inquisitions to be returned there, or elsewhere, with your proces. And as for the court of Wards and Liueries, from thence you haue but 3. sorts of proces to be answered vnto, viz. Extents, Attach. and Liueries vpon old extents not discharged, which must be paid half yearly, with 4. s. for the fée of euery sum till the debt be paied: and this last will trouble you most, and the other are easier to be returned, then executed.

Sherifes and vndersherifes ought to receiue all manner of writs in any place within the County, without taking of any thing, and make thereof warrant: and if hee refuse to do it, if he make not a return of those writs, he shall bee punished, and render dammages to the party grieued by the Statute of 2. Ed. 3. cap. 5.

Also a Sherife may arrest men which goe

or

or ride armed, and commit them to prison, there to remaine at the Kings pleasure by the same statute. Also sheriffes and gaolers must receiue théeues indited or taken with the maner, without taking any thing for their receit, by the statute of 4.E.3.ca.16.

Sheriffes must returne sufficient and reasonable issues vpon such persons as haue Lands and goods sufficient: according to the statute of VVest.2.ca.39. & 1.E.3.ca.5.

Sheriffes ex officio may arrest within their county suspected persons which walk by night or day, and which are of euill name and fame, by the statute of 5.E.5.ca.14.

A sherife ought to haue but one Bailife errant within his county, by the statute of 14.E.3.cap 8.

Sheriffes ought to kéepe their Torns twice euery yeare, viz. one within a month after Easter, and the other within a month after the feast of S. Michael the Archangell, by the stat. of 31.E.3.ca.14.

Sheriffes must leuy their issues and amerciamẽts by their extracts vnder the seale of the Exchequer, otherwise they shall render to the party dampnified, treble dammages, and also make fine to the K. for their offence, which is determinable before the Justices at their sessions by the stat. of 43.E.3 ca.9.

Sheriffes ought to returne their pannels for the sessions 4. dayes before the sessions, at the

least vpon paine of 20.li. and the Bailiffs of liberties ought to make returne of their Warrants six daies before the Sessions at the least, vpon the like paine by the Statute of 41. E.3. cap.11.

Sheriffs ought foure times in the yeare to proclaime the statute of Winchester in euery hundred of his Bailiwicke, for it is parcell of their oath, yet they neuer doe it.

Sheriffs ought to take the swords, daggers, and weapons from seruants labourers, and from seruants of artificers, and victuallers, if they find them bearing of any, except it bee in time of warre, or when they trauell abroad into the countrie with their masters, or goe in their messages, and they may keepe such weapons vntill the next sessions, and there present them with the names of those that bore them, by the stat. of 12.R.2.ca.9.

Sheriffs may ex officio apprehend labourers, seruants begging and wandring abroad, and commit them to prison without baile or mainprise, but they can take no fees of such persons, neither vpon receit or deliuery of them, vpon paine of a C.s. to the King, by the statute of 12.R.2.ca.9.

Sheriffs and other of the Kings Officers, when they haue notice of vnlawfull Assemblies and Riots, ought to raise the Country, and with all their power to apprehend such malefactors, and commit them to prison, there

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to remaine vntill due execution of the Law be done vpon them, and all Lords of seigniories, and all other the K. liege people ought to be attendant to the sherife and other officers, with all their power and force herein, by the stat. of 17. R. 2. ca. 8.

A Sherife ought to dwell within the county in his person during the time of his sherifewicke, and he ought not to let his Office to farme, both by his oath and by the Statute of 4. H. 4 ca. 5.

A Sherife ought to foresée and prouide, That neither his vndersherif, nor any of his clerkes, bailifes, or receiuers, be an Attorney in any of the Kings Courts, during the time of his sheriualtie, both by his oath, and also by the stat. of 1. H. 5. ca. 4.

Euery Sherife ought to proclaime the statute of Puruepors foure times in his yeare, vpon paine of a hundred shillings for euery time failing therein, and hee ought also to deliuer that to his successor to proclaime vpon the like pain, by the stat. of 1. H. 6. ca. 2. but this is neuer done.

Sheriffs ought to make due election of knights for the parliament by the freeholders of the County, and in open county court, betweene 8. and 11. of the clocke in the forenoone of the same day, by the stat. of 6. H. 6. c. 6. vpon pain of a C. li. and a yeares imprisonment without baile or mainprise.

Sheriſes ought to returne vpon euery pꝛe-cept directed vnto them from iuſtices of P. to inquire of foꝛcible entries, vpon euery iury twenty ſhillings iſſues at the firſt day, and Iuſtices of Peace haue power and authoꝛity to heare and determine thoſe defaults by Bill oꝛ indictment, and Sheriſes ſhall foꝛfeit foꝛ euery default twenty pounds, whereof he that will ſue ſhall haue the moity by the ſtat. of 8. H. 6. cap. 9.

And Sheriſes ought to returne in Writs of Attaints, in plea of Land of the yærely va-lue of foꝛtie ſhillings, oꝛ in actions foꝛ Dæds concerning lands to ſuch value, & in actions of foꝛty pounds oꝛ moꝛe, ſuch perſons inhabi-ting within his bailiwicke, which can diſpend xx.li. per annum, beſides all charges, foꝛ terme of life at the leaſt, and out of ancient demeſne, Gauelkind, and Cinque poꝛts, and vpon the firſt diſtreſſe xl. s. and vpon the ſecond C. s. and after double iſſues vpon the Iuroꝛs, vpon paine of x.li. to the King, and x. li. to the party grieued, and if there be not ſufficient perſons inhabiting within the County, which can ex-pend xx.li. per annum, then they ſhall impanell other perſons of the moſt ſufficient in Poſſeſ-ſion of yearely value of lands, vnder the value of xx.li. per ann', vpon paine of x.li. to the K. and x.li. to the plaintife. by the ſtatute of 15. H. 6. cap. 5.

A Sheriſe may not occupie his office aboue a yeare,

a yeare, and if he doe he ſhall forfeit two hundred pound, and be diſabled euer to be ſherife of any county after, by the ſtatute of 23. H. 6. cap. 8.

No Sherife ought to let to farme his County, nor any of his Bayliwickes, Hundreds, or Wapentakes, for it is both againſt his oath, and contrary to the ſtatute of 23. H. 6. cap. 10.

No Sherife, Bayliſe of Liberty, nor any other Officer ſhall returne in any pannell or Jury any of his Bailifes, Officers, or Seruants to any of his Officers, by the ſtatute of 23. H. 6.

No Sherife, nor any to his vſe, ſhall take any thing of any perſon to bee arreſted or attached, nor for ſparing of any arreſt or attachment, for Fine, Fee, Suit of priſon, Mainprize, letting to Baile, or for ſhewing any eaſe or fauour to any ſuch perſon ſo arreſted, but onely for the Sherife twenty pence, the Bayliſe which maketh the arreſt foure pence, and the Gaoler (if the priſoner bee committed to priſon) foure pence, by the ſtatute of 23. H. 6. cap. 10. Forfeiture x. li.

And a Sherife ought to take but foure pence for the Copy of a pannell, and two ſhillings for retorne of a pannell, by the Statute of 27. El. ca. 12.

Sheriſes ought to let to bayle all perſons being in their keeping, by force of any Letter,

ter, Bill, or Warrant, in any perſonall action, or vpon Inditement of treſpas vpon reaſonable ſurety, hauing ſufficient in the county to appeare at the day and place as thoſe letters, bils, or warrants require, except ſuch perſons as are in their gard or cuſtody vpon a capias ad ſatisfaciend, vtlagary, or excommunication, or for ſurety of the peace, or by commandment of any Juſtices, and vagrants which refuſe to ſerue: vide Dyer fol. 324. Hée is of opinion that the Marſhall of the Kings bench is within the compaſſe of the ſtat. of 23. H. 6. cap. 10. But the Warden of the Fléet and the kæper of the priſon at Weſtminſter are not within the compaſſe of that ſtat. for they are excepted.

Note, that a Sherife ought to take Band for the appearance of his priſoner with two ſureties, hauing ſufficient within the ſame county, otherwiſe the obligation is held to bée void, and it muſt be made to the ſherife by the name of the ſherife, and not to the vnderſherife, and there muſt be nothing inſerted into the condition of that band, but that the defendants ſhall appeare in the court from whence the writ iſſued at the day of the returne thereof to anſwer to the plaintife in his action. Plo. Comment fol. 68.

If more bée inſerted into the Obligation, then is for the appearance of the party bound, the band is void, p Mountague chiefe Juſtice Com-

Commentar 68.s.in Manninghams caſe there.

A Band entred into by a priſoner, to any perſon ſaue onely to the ſherife for the inlarging of a priſoner is not good, but merely void in law by the ſtatute of 23.H.6.c.10. And ſo it is where a band is giuen to the ſherife by a ſtranger for the inlargement of a priſoner that is not baileable p 37.H.6.& Dyer 2.& 3.P.& M. fol.119. A void band.

A Sherife hauing an Attachment retorn' coram dicto Rege & conſilio ſuo in Camera ſtellat apud Weſtm in quindecim Paſchæ ad reſpondend dicto Domino Regi & conſilio ſuo de quodam contemptu & ad fac' & reſp. ulterius, &c. doth arreſt the party, and takes band for his appearance indorſed with ſuch condition, that if the party arreſted ſhall perſonally appeare before the Kings Majeſty, and his Counſell at Weſtminſter in Quindecim Paſchæ, and then and there ſhall anſwer to a contempt by him committed, that then, &c. It was a queſtion whether this Band and condition was good in Law or no, becauſe theſe words then and there were added vnto the condition which was more than the Statute of 23. H. 6. would warrant, and it was demurred on in Law, but by the opinions of Dyer and Windham, it was thought to bee a good Band and Condition, notwithſtanding thoſe words were added, yet Mead was of a contrary opinion, But Termino Mich.

Mich. Anno 22. & 23. El. judgement was gi-uen for the plaintife, Dyer 364.

Sherifes ought to take no obligation for any thing whatsoeuer it bee, or by colour of their office, but onely to themselues, nor of any person being in their custody but by the name of the office naming him sherife in the obligation, vpon this condition that the party shal appeare at the day and place in the writ or war-rant specified, and if any obligation bee taken by color of their office in any other forme it is void, 23. H. 6. ca. 10.

Forfeiture xl. li.

And sherifes ought to take no more but 4. d. for making of any obligation, warrant, or pre-cept, by the same law.

And sherifes ought to make proclamation when they haue receiued letters for the leuy-ing of expences of the Knights of the Par-liament at the next county-court after the re-ceipt of these letters: and the coroners ought to be there to sesse the wages vpon paine of xl. s. and they ought to assesse euery Hundred at a certaine summe by it selfe, and after euery village within the Hundred with a certaine summe: and if they doe it otherwise, they shall forfeit for euery default xx. li. and he that will sue shall haue the moitie thereof with treble damages. 23. H. 6. ca. 11.

Forfeit. xl. s. & xx. li.

And euery Sherife after the receipt of the Kings Writ for summoning of the Parlia-ment for the election of Knights for the Par-liament,

liament, ought forthwith to make out his warrants vnder the seale of his office to euery Maior and Bailifes of Cities and Boroughs within the County, commanding them thereby to chuse Citizens and Burgesses to come to the Parliament: and those Maiors and Bailifes must make a lawfull returne of that precept to the sherife by indenture made betweene them and the sherife, of their election, and of their names which are elected: And the sherife must set his hand and seale of Office to the one part of the Indentures, and then deliuer it to the Maior, or Burgesses, or Citizens to be kept, and to the other part the Maior, and Citizens, or Burgesses must set their hands and seales, and deliuer it as their deeds to the sherife to be certified and retorned by him with the writ of summons to the clerk of the crown, who will haue 4. s. for his fees for euery Indenture as I doe take it.

*The forme of the Indenture for the Knights for the Parliament.*

HEc Indentura fact' in pleno Com South. tent' apud castr' Winton' die Lunæ vltim die Maii, anno regni, &c. reciting the Kings stile at large, inter F P. mil' vic' comit' pred ex una part' & C. H. mil' H D. arm & D.B. arm, &c. & multis aliis person' com prædt & elector' duorum

milit'

milit ad Parliament' in bre huic Indent' consit specificat ex altera pte qui ut major pars totius Comitatus pred tunc ibm existens iurat & examinat secund vim form & effectum diversorum statut inde edit & provis. eligerunt H.W. & E.M. mil' infra com pred comorantes gladiis cinct' milites habiles & maius idoneos & discret dantes & cocedentes pro pred duobus mil' plenam & sufficientem potest' pro se & totum comit com pred ad faciend & consentiend hiis quæ ad Parliam in dict' brevi content de communi consil' reg. in dicti dom regis nunc Angl' contingerit ordinari super negociis in dicto brevi spec'. In cuius rei Testimon' uni parti huius Indenture penes dict dominum regem remanent partes prædict sigilla sua apposuerunt, alteri vero parti eiusdem Indent præd vic' sigillum suum appositum dat die anno & loco suprad, &c.

*The forme of the Indenture for the Citizens and Burgesses.*

THis Indenture made, &c. reciting the day, the yeare, and the Kings Stile at large, as before, &c. witnesseth that by vertue of a Warrant to me directed from Sir F. P. Knight, Sherife of the County of Southhampton, for the electing and chusing of two Burgesses, men of good understanding, wit, knowledge, and discretion, for causes concerning

cerning the weale publike of this Realme, to be at his Majesties high Court of Parliament to bée holden at his Highnesse Citie of Westminster, the xxvij. day of October next comming, I. I. F. Major of the borough of C. in the county of S. with the whole assent and consent of the rest of the burgesses there, haue made choise and election of H. M. of the middle Temple Esquire, & W. S. of L. Esquire to bée burgesses of our said borough of C. to attend at the said parliament, according to the tenor of the said warrant to me directed in that behalfe, In witnes whereof I haue to these presents set our common seale of our said Borough, the day and yeare first aboue written.

A sherife ought not to execute the office of a Justice of P. during the time that hée is sherife, 1. M. ca. 4.

Where any man by dissimulation, flattery, or by any cunning, slight, meanes or practise do make themselues to bee beloued of any sole woman, as maid, or widow, which maid, or widow haue great possessions, or great store of goods or money, & to deceiue them of it, and to gaine it for themselues, do by fraud gain the possession of such woman, and doe conuey and kéepe them in such places where they will not suffer them to goe from them at liberty to dispose of their own as they list, vnlesse such maid or widow will enter into Band or Statute to pay some great summe of money, or else bind

bind them from mariage with any but to such as they will nominate and appoint, for remedy hereof it is ordained, that the party so bound shall haue a Writ in the Chaucery containing all the matter of such vnreasonable dealing, called a speciall Supplicauit directed to the sherife of that County where such wrong is offered, commanding him thereby to make proclamation at his next County court after receit thereof, that the defendant appeare at a certaine day and place prefixed in the said writ before the Chancellor, or before the Iudges of assise of that county, or before some other person assigned by the Chancellor: and the sherife is bound to execute such writs, according to the tenor of them, vpon paine of 300. li. the one moity thereof to the King, and the other halfe to him that will sue by Action of Debt, where no wager of Law, protection or forreine plea shall be allowed by the Statute of 31.H.6.ca.9.

Forfeiture CCC.li.

Vpon information made to a Iustice of P. or other Iustices, against any person for retaining or giuing liuery to any, or against any which is retained, the Iustices ought to make proces vpon this information as vpon a recouery in debt or trespas, and the Sherife ought to returne no lesser issues in any suit brought hereupon against any person that is sufficient, then 20. s. at the first day vpon the distresse, and at the second day 30. s. and at

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the third day xl. s. and so at euerie day after, more by ten shillings in issues, vpon paine for euery retorne twentie shillings, anñ 8. Ed. 4. cap. 2.

The ancient Sherifes may returne Writs, and execute their office during the Termes of Saint Michael and Hilarie after the yere their Office is ended, if they bee not before that time lawfully discharged of their office, 17. E. 4 cap. 7.

No sherife or any other Officer ought to release or take from any person arrested or imprisoned for Felony, his goods, vntill the same person arrested or imprisoned bee duely conuicted and attainted of the same Felonie by due course of law, viz. either by triall, confession, or outlawry, vpon paine to forfeit the double value of the goods so taken, to the party grieued, to bee recouered by action of debt, wherein no wager of law, essoine, or protection lieth, añ 1. R. 3. cap. 3.

Sheriffes which haue the custodie of the Gaole, ought to certifie the names of their prisoners which are in their custodie for Felonie, to the Iustices of the next generall Gaole deliuerie, in a Kalender, vpon paine of a hundred shillings for euery default, añ 3. H. 7. cap. 3.

Also a Sheriffe, nor no other person in his name, or by his commandement, shall enter any Plaints into their Bookes in any mans

name, vnleſſe the plaintife bée there in his proper perſon, or elſe by his ſufficient Attorney or deputie that is wel knowen to be of good name and behauior, and the Plaintife ought to finde Pledges, ſuch perſons as are knowne in the Court to purſue his Plaint. And a plaintife ſhall haue but one plaint for one treſpaſſe, or one contract, and if the Sherife, or any other of his Officers, cauſe to bée entred any more plaints than the plaintife hath cauſe of Action for, then the Sherife or his clerke that doth contrarie to this act, ſhall forfeit for euery default fortie ſhillings, the moitie to him that will ſue and proue the ſame matter by action of debt or information.

Alſo the Sherife ſhall make ſufficient Precepts after ſuch plaints entred, but not before, againſt the defendants, directed to the Baſilfe of the hundred, to attach or warne the def. to appeare at the next county court, and anſwer to the ſaid plaints, and if there bée any default in the ſaid bailifes in the execution of their offices, according to the tenor of their precept, then they are to forfeit xl. s. and to be conuicted thereof by examination of the Ju. of P. or by any of them.

Alſo the ſame Sherife, nor their deputies ſhall make any extracts to leuy the ſhire amerciaments, vntil that two Juſt. of P. whereof one to bee of the Quor, haue the ſight of their bookes, & the extracts to bee indented betwæne

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the Iust. of P. and the sherife and vnder sherife sealed with their seales, the one part thereof to remaine with the said Iustices, and the other part with the sherife, for his warrant to leauie the amerciament by.

And that those persons that shall bee gatherers of the said amerciaments, shall be sworne by the said Iustices, That they take no more money than is forfeit, and certified in their extracts, sealed with the seales of the Iustices to the same, vpon the same paine of forfeiture as is aboue rehearsed, to bee conuict by examination of the same Iustices, or one of them. And the same Iustices of Peace shall bee appointed at the sessions holden at Mich. by him that is Custos Rotulorum, or in his absence by the eldest of the Quorum, to haue the controlement of the said Sheriffes, Vnder sherifs, shire-Clerkes, and others of their said Officers, and the said sherifes amerciaments, & the said Iustices of peace, vpon suggestion shall make proces against the sherif, vnder sherif, shire-clerke, or other officers, to appeare before them to answer to such suggestion or information, as is vsed in action of Trespas, by the statute of 21. H. 7. ca. 15.

Also euerie Sherife vpon a Precept to him directed from the Iustices of Peace to returne them a Iurie to enquire of any Riot, or vnlawfull Assemblie committed, shall returne foure and twentie persons dwelling in

the shire, euerie one of them hauing xx. s. per annum, of freehold, or 26.6.8. d. per annum, copihold, or of both, besides all charges, and to returne in issues vpon euery person which maketh default, xx. s. at the first day, and at the second day x. s. and if default be in the sherife, for returning of persons insufficient, or for not returning of issues in forme aforesaid then hee doth forfeit twentie pounds, anno 19. Hen. 7. cap. 13.

Also if any Ryot or vnlawfull Assembly be in any part of the Realme, the Justices of P. or two of them at the least, and the Sheriffe, or Undersherife, may come with the power of the Countie if neede be, & arrest and restraine such misdoers, and these Justices & the sheriffe haue power to record that which they finde done in their presence against the Law, And such misdoers shall be conuict by that Record: And if they bee gone before the comming of the Justices, and the Sheriffe or Undersheriffe, then the same Justices, or two of them, ought diligently to inquire thereof within one Moneth after such Ryot or Assemblie made, and if the truth cannot bee found out within one moneth then next insuing, then those Justices, or two of them, and the Sherife or Undersherife, shal certifie the King and his Councell thereof and of all the circumstances thereof, which Certificate shall be as an indictment of twelue men, whereunto they shall bee compelled

pelled to answer, anno 13.H.4.cap.vltimo.

And if the said Ryot or vnlawfull assembly bee not found by reason of any Imbracerie or maintenances of the said Jury, then the said Justices of Peace, and the Sherife, & Undersherife ouer and beside such Certificate that they must make, according to the said statute of anñ. 13. H. 4. shall in the same Certificate certifie the names of the same maintainors and imbracerors in that behalfe, if any bee, with their misdemeanors that they know, vpon paine of euery of the said Justices and Sherife and Undersherife twenty pound, if they haue no reasonable excuse for non certifying of the same: which certificate so made shall bee one Indictment in the Law, and euery person duely proued to bee a maintaynor or imbraceror shall forfeit twenty pound, and bee committed to ward there, to remaine by the discretion of the Justices, Anno decimo nono Hen. septim.ca.13.

Also that no Sherife vpon writs and precepts directed vnto him to returne before Escheators, or Commissioners, shall returne any person to inquire of any lands or tenements, except hee haue lands or tenements of the yerely value of xl.s. aboue all charges in the same shire vpon paine of forfeiture for euery person so returned, an hundred shillings, anñ. 3.H.8.ca.2.

Also all pannels put in by the Sherife be-

fore any Iustices of Gaole deliuery, or be-fore Iustices of Peace, whereof one bee of the Quorum in their open Sessions, to inquire for the King, may bee reformed by putting to and taking fro of the names so impannelled by discretion of the same Iustices, and that the same Iustice or Iustices shall command euery sherife & their ministers in their absence to put other persons in ỹ same panels by their discretion, & the same panell so returned by the Iustice to be good, & if any Sherife doe not re-turne the same pannels so reformed, then eue-ry Sherife so offending, shall forfeit xx.li. halfe to him that will sue by action of debt, bill or complaint, where such shall happen to bee, and no wager of Law, Essoine, or Protection therein to bee allowed. tertio Henr octaui cap. duodecimo.

Also vpon euery Exigent where Writs of Proclamation are to bee awarded, the same Writ of Proclamation is to haue the same day of returne that the Exigent hath, and to be de-liuered of Record by the Exigenter of euery shire. And the Sherife is to make a Proclama-tion three seuerall dayes in his county, whereof one proclamation is to be made at the generall Sessions in those parts where the party is sup-posed to be dwelling, there to yeld his body to the sherife of the forrein shire, that that sherife may haue the body at the day of the returne of the Exigent to answer to the plaintife. And

that

that the Sherife of the Countie that hath such writ of Proclamation, duely execute & returne the same, at the day vpon paine to forfeit such amerciament as by the Iustices before whom the said writs shall be returnable shall be assessed. Anñ 6.H.8.ca.4.

Also Sheriffes which haue the custodie of gaoles shall make seales to be grauen with the name of the Castle that they kéepe for to giue and seale letters to prisoners acquited to beg for their fées within the hundred where they be deliuered by the space of six wéekes next after their deliuery, and then to goe to the Hundred where they last dwelled by the space of thrée yeares, or where they were borne: the Sherife shall not suffer such prisoners to begge for their fées, nor to depart out of prison to doe seruice and labor, vntill he deliuer to them such letters, and the Clerke of the Peace is to make such letters within one day after the Sessions, when such prisoner is acquited, vpon paine of xij. d. to the King by the statute of 22.H.8.cap. 21.& 5. El.ca.4.

Sheriffes ought to kéepe their County court euery moneth, if it hath béene accustomed to be so kept. Magna chart. ca.33.

The King commands that Sheriffes and their Officers which receiue his debts, shall acquite the debtors vpon their account when they haue receiued his debts, and then it shall bée allowed vpon their accompts in

the Exchequer: and if the Sherife doe otherwise, and bee thereof conuicted, hee shall then pay three times so much as he hath receiued to the party grieued, and also bee fined at the K. pleasure, Westm. 1. ca. 20.

Sherifes and others which haue leuied the kings debts, and giuen acquittances to the debtors, and yet doe not acquite them, it is accorded and set downe for a Law, that when the Sherife is impleaded for it in the Exchequer, if hee come not in vpon the first distresse, then shall goe out another with proclamation, which must bee made in full county, that the defendant doe come in at a day certaine, and acquit the debtor of the money which hee did receiue, and if hee come not in then hee shall bee conuicted by default, and the debt leuied vpon him as a debt recouered against him in the K. Court, and the plaintife shall haue therein damages according to the discretion of the Barons, by the stat. of 14. E. 3. c. 1.

And it is the kings commandement that all Sherifes and Baylifes which haue receiued the kings debts of the summons of the Exchequer, if they acquit not the debts vpon their account, that then they shall bee punished according to the Statute de Distinctionibus Scaccarij ca. 5.

And it is ordained that execution of writs which are brought to Sherifes, should bee done by the Bailifes of hundreds sworne & known, and

and in full county, and not by others vnleſſe thoſe Bailifs will not or cannot execute them, then they are to bee done by other conuenient perſon or perſons ſworne by the ſtat. of Lincolne cap. vltimo.

No Sherife ſhall ſuffer a Barreter to maintaine any actions or quarrels in their Countie Courts, nor ſtewards of great men or others, which is not Atturney to his Lord or Maſter, nor they ſhall not pronounce iudgemẽts there, vnleſſe they bee thereunto required by all the ſuitors, Weſtm. 1. ca. 25.

It ſhall bee lawfull for euery Sherife, Juſtice of Peace, and Eſcheator to ſeaſe to the K. vſe all ſuch goods and chattels as Egyptians haue, within their charge, and thereof to giue an account to the King in his Exchequer for the moitie thereof, and to detaine and kæpe the other moitie to his owne vſe, and to pay no fées for the account nor for the charge thereof.

In theſe ſtatutes it appeareth what things Sherifes ought to doe by reaſon of their office, and that they ought to take nothing for doing of their office, but that onely which is appointed for them to take by the ſame ſtatutes, if they doe otherwiſe, it is extortion in them, & it ought to bee inquired of by the Iu. of P. and by them puniſhed accordingly.

And it is ordained by the ſtat. of 1. H. 4. c. 5. that if any Sherife doe any extortion to the people,

ple, and thereof be duely attainted that he shall be duely punished for the same extortion at the Kings will.

A Sherife may and ought at his turnes to inquire of common Nusances done to all the Kings subiects, but not of Assaults made to a sole person, Per Martin Anno quarto Hen. sexti, octauo Edw. quarto, quinto. Dyer 234.

A Sherife ought to keepe his Turnes within a moneth after Easter and within a moneth after Michaelmas, and if he keepe it at any other time after the moneth, it is void by the Statute of 13. Ed. 3. cap. 19. and all indictments and presentments taken there after the monethsare expired, are void by the stat. of 38. H. 6.

A Sherife may inquire of bloodsheds in his turne, for if any thing be omitted in a leete, it may be inquired of at the Sherifes turn, for all leets were derived & taken out of the Sherifes turne, Pasch. 8. Ed. 4. 29. Ed. 3. 27. 43. Ed. 3. & 20. 20. E. 3. 3.

And all the Iustices were of opinion that a Sherife hath authoritie to inquire of all things in his Turnes that is either trespasse or felony at the common Law, except of the death of man, but he cannot inquire of trespasse or felony by statute in his turne, 28. E. 3. 95. 21. E. 4.

If a Sherife inquire of Nusance in his Turne, and it is there found, which should haue

haue béene inquired of in a Léete: now the Sherife cannot diſtraine for his amerciament, for if hée doe hée is a treſpaſſor. But if default bée in the Lord of the Léet for that hée did not inquire thereof, it ſéemeth then that the Sherife by the Lords default may inquire thereof in his turne, 28. E. 3.95.29. E.3.27.10. H.4.21, E.3.3.

If a man haue a faire or a market by grant or by preſcription, and doth not kéepe his faire or market as he ought to doe, the Sherife may inquire of this in his Turne.

Upon a preſentment of a Nuſance in the Sherifes turne, the offendor ſhall be amerced, there the Sherife may diſtraine for that amerciament. And if a Purpreſture bée preſented there, the Sherife may abate it and returne it, Paſc' 25.E.3.

It appeareth by Maſter Britton, that all the Frée holders & Terre Tenants inhabiting within the Hundred, ought to come to the Sherifes Turne, none excepted, but Knights and Clergie men, their wiues and children, And there, twelue at the leaſt of the ſufficienteſt Frée holders within the Hundred ought to bée impannelled and ſworne to inquire and preſent all things there inquirable and preſentable, and all the reſt which appeare there, ought to bée ſworne by the dozeners and villages to preſent to the ſaid Jury all ſuch things as ſhal be giuen them in charge, and it ſéemeth

that

that the sherife ought to kéepe his turne in euery hundred within his Countie, and there punish all things which haue béen omitted at the léets or law dayes there.

Also by the same law, it séemeth that they ought to inquire there of petty treasons, homicides, rapes, robberies, burglaries, and of all manner of felonies by the Common Law, and of all other things inquirable at a Léete, according to the Statute of 18. Ed. 2. de Vic' Franc' Pleg'

And when the dozoners and villages haue deliuered their presentments to the said Jury, and the Jury when they are agréed of their presentments, then they must giue vp to the Steward or court-kéeper such presentments as they will stand to, and anow, and if there bée any of felony they must deliuer vp these by themselues to the Steward priuily, and the rest openly.

But this Court is now almost out of vse since Sherifes haue vsed to sell both their sherifwickes and bailiwickes to men of meane estate that will not regard the good of the Common wealth, but altogether their owne priuate gaine and profit, whereby the King is many times much wronged, and deceiued, betwéene the Vndersherife, and the Bailifes, of all his waifes, straies, and felons goods, which are taken vp by the Bailifes and neuer accounted for, which may touch the Sherife

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in his credit and reputation, for when hée entreth into his account for the payment of the Kings debts, hée is then ſworne to anſwer and account for all waiſes, ſtraies, and felons goods, debts, perquiſits, and profits which hée ſeldome or neuer knowes of, becauſe thoſe ancient Courts are not kept as they ought to be, and therefore how hée may diſpence with his oath herein is the queſtion.

There is a Writ in the Regiſter, fol. 174. whereby a Sherife may remoue all his Bayliſes of hundreds, wapentakes, tithings, and liberties which haue not lands or tenements ſufficient within the County. And Sheriſes bailifes one yéere, ought not to bée in that office in thrée yéres after by the ſtat. of 1. H. 5. cap. 4. becauſe by their continuall being in the office, they grow ſo cunning that they are able to deceiue both the King, the Sherife, and the Countrie.

And Sheriſes Bailifes ought to bé ſworne to the ſupremacie, and to exerciſe their Office duely and truely by the Statute of 27. Eliz. capitul. 12.

## The nature of Executions, and of how many ſorts they are.

They are of ſix ſorts or degrées, viz. vpon A Statute Merchant, A Statute ſtaple, a Recogniſance, an Elegit, A Capias ad ſatiſ-

ſatisfaciend, and a fieri fac' and a Sherife cannot lawfully breake any mans houſe to doe execution vpon any of theſe iuſtifiable, except the King bee a party, for domus ſua cuique eſt tutiſſimum refugiũ, as hereafter ſhall appeare. If a man bee bound in a ſtatute merchant, execution ſhall be done thereof thus. Firſt a Writ of Certiorare muſt bee ſued forth of the Chancery, directed to the place where the ſtatute was acknowledged to certifie the acknowledgement of the ſtatute into the pettie bagge office in the Chancerie, and vpon that certificate ſhall goe out a Capias againſt the body onely, ſi laicus ſit, returnable in the Court of common Pleas, or in the Kings Bench: And vpon the returne of that, with the Sherife of that ſhire to whom it was directed, quod laicus eſt, & non eſt inuentus in balliua ſua, then within a quarter of a yeere after ſhall goe out an Exigent againſt all the conuſors lands, and goods, and againſt his body, and for your better ſatisfaction herein ſee the Statute de Mercatoribus 37. H. 6. fol. 6. and Fitzherbert 130. G.

A Statute Staple muſt bee certified in the like manner as Statute Merchant, and vpon that ſhall goe forth a Writ of execution both againſt body, land, and goods, returnable in the Chancerie in the petie bagge office there, and not in the Court of Common pleas, or Kings Bench, as the Writ of execution vp-

on

on a ſtatute merchant ſhall: and vpon the returne of this writ ſuch lands and goods as are taken in execution ſhall be deliuered to the cogniſée, by the ſherife by another writ called a Liberate, and not before. And note that all the fée ſimple Lands, which the cogniſor had at the time of the acknowledging of the ſaid ſtatute, or at any time after, are liable to both the ſaid ſtatutes, but no intailed land, but during the cogniſors life, nor no copihold land, nor no goods, nor leaſes for life, or yeares, but ſuch as the recogniſor hath in his owne vſe, and poſſeſſion at the time of the execution done, Fitzh. 131. D.

Note, that if a ſtatute ſtaple be returned and filed, the cogniſée can haue no Liberate into any other county. 2. R. 3. fol. 7.

Vpon a Recogniſance there ſhall not goe out a Capias, but Scire fac' returnable in the Chancerie, and vpon the returne thereof they doe vſe to award a Capias, a Fieri facias, or an Elegit, at the choice and election of the cogniſée. 48. E. 3. fol. 14.

By an Elegit the ſherife may take in execution one halfe of the land of the cogniſor, and all his goods, præter boues & affros de caruca ſua. A Capias ad ſatisfaciendum is onely againſt the body, which the Sherife muſt bee ſure to keepe ſafe, or elſe hée may perhaps pay the debt, if his priſoner doe eſcape either with his leaue or conſent, after that hée is once in execu-

execution, for then the Sherife hath small remedy or none at all, but if he doe escape against the Sherifes will, and without his consent, then the Sherife may take him againe if hée can find him by the same Writ before the returne thereof, or by another after, though it bée in another shire, so that hée bee followed with fresh suit, and taken againe before the action brought by the plaintife against the Sherife, for the escape, howsoeuer the Sherife in this case may haue his remedy against his prisoner by his action vpon the case, if he be able to make him satisfaction, otherwise he may kéepe his body, and his prisoner in this case shall not be deliuered by superséd vpon audita querela, because hée cannot take any benefit of his owne wrong. But otherwise it is when a prisoner escapes with the consent of the Sherife or gaoler, for then he shall haue and maintaine if hée will an Audita querela against a Sherife, or a gaoler, as it appeareth in my Lord Cookes 3. Booke of Reports, fol. 43. & 44. in Boytons case there.

And in my Lord Cokes said third booke of Reports, it is resolued for Law, That if a Sherife die in the time of his Office, hauing diuers persons in his custody, and after a new Sherife is chosen in his place, in this case it behoues ỹ new Sherife to take notice at his perill of all the executions which are against any person which hée findes in the Gaole, and that

that is a matter of necessitie, for in that case there is no man in rerum natura to deliuer the prisoners vnto him.

Also in the same case it is resolued, that if a Sherife die in the time of his office, and before another bee appointed to that place and office, a prisoner which was in the prison in execution, breakes the prison, and so is at large, this is no escape, and the reason is there alledged, because when the sherife died, all his prisoners were in the custodie of the Law, vntill a new Sherife was chosen, and set in his place. And therefore although that the prisoners bee in the interim out of the walls of the prison, yet the Law hath the custodie of them, and preserues them in execution without any fresh suit made after them, wheresoeuer they be, and they may bee fetched againe in execution at any time after, if they can bee found, and no escape in this case can prejudice the plaintife.

Note also that if a prisoner die in execution before payment or satisfaction made to the plaintife for his debt for which hee is in execution vpon a Capias ad satisfaciend, in this case the pl. shall haue an Elegit against the defendants lands & goods, if hee had any lands in fee simple, at or any time after the Iudgement was had against him, or any goods at the time of his death. And it is Bloumfields case, in the fift booke of sir Edward Cokes Reports, f. 87. and Fitz. nat br. fo. 246.

Alſo when a man is in the Sherifes cuſtody by the proces of Law, & after another Writ is deliuered to the ſhirife againſt the body of him which is then in his cuſtody, the ſherife in this caſe muſt bæ anſwerable for his priſoner, although hee doe not arreſt him by the ſecond Writ, by the iudgement of the Law, for Lex non præcipit inutilia; And this in Froſts caſe in the fifth booke of Reports, fol. 89. and with this agræth 7. H. 4. 30.

If a Capias, viz. a meane proces be executed and not returned, the arreſt is tortious and a wrong, for the arreſt is made to that end that the def. ſhould appeare to anſwer to the pl. in his action, but in all Writs of execution except an Elegit, if the execution bee duely done, although the Writ bæ neuer returned or filed, it is no great matter if ỳ pl. haue his demand; for then hee hath no cauſe to procæde any further therin: but in caſe of an Elegit, becauſe the Extent is to be made by an Inqueſt, & not by the Sherife alone, that ought to be returned, or elſe it is nothing worth, as it appeareth in Hoes caſe in the ſaid 5. booke of Reports, fol. 90. & by Fulwods caſe in the 4. booke, fol. 65.

Alſo it is reſolued in Seymans caſe in the ſaid 5. booke of Reports fol. 91. that a mans houſe is to him his Caſtle, as well for his defence againſt iniurie and violence, as for his reſt and repoſe, and that a Sherife cannot iuſtifie the breaking of any mans houſe to execute

tute a Capias ad ſatisfaciendum, or a Fieri fac', but if he doe, it is at his perill, and he is therein a treſpaſſer; if the King be not a party, for domus ſua cuique tutiſſimum eſt refugium: but if the K. be a party, then the Sherife may iuſtifie the breaking of a houſe to doe execution of his proces, if he cannot otherwiſe execute his proces, but firſt he ought to make requeſt to open the doore by the ſtat. of Weſtm. 1. c. 17. & 41. of the Aſſiſe placit 17. if hee breake the doores when hee may enter otherwiſe, yet in the ſaid Seymans caſe, it is reſolued, That a ſherife vpon an habere fac' ſeiſinam or poſſeſſionē may breake a houſe and deliuer ſeaſon and poſſeſſion thereof to the plaintife, and the reaſon therein is; becauſe that after iudgement, it is not the defendants houſe in right and iudgement of Law.

Alſo whether it bee for felonie or ſuſpition of felonie, the Kings officer may breake another mans houſe to apprehend a theefe, & that for two reaſons, viz. one for the good of the Common-wealth, and the other is for the ſeruice and duty which he owes to his Prince, for in euery felonie, the King hath an intereſt, and where the King hath any intereſt, the Writ is A non omittas propter aliquam libertatem, and therefore the libertie or priuiledge of any mans houſe will not hold againſt the King, but where the King hath no in-

tereſt, but onely a common perſon. A Sherife although hee make requeſt to open the doores, and deniall is made, if hee ſhould then breake them, and ſo enter and doe execution, thereof might riſe great inconuenience, that men in the night as well as in the day, ſhould haue their houſes broken vpon any fained matter, for although that a Sherife bee an Officer of great authority and truſt, yet it appeareth by daily experience, that all or the moſt part of the Kings Writs, are executed, and ſerued, by Vndерſherifes and Bailifes, which moſt commonly are perſons of ſmall value and account. And all the authorities which doe proue that when the Proceſſe doe concerne the King, that the Sherife may then breake the houſe of any Subiect to execute them, if otherwiſe hee cannot execute them, implyeth that at the ſuit of a common perſon, the houſe cannot bee broken iuſtifiably, and with this reſolution agreeth the booke in 6. Edw. 4 fol. 9. A fieri facias is onely againſt the goods, and chattels of a man, as moueable goods, or Leaſes for yeares, and the Sherife had need to bee very carefull how, and after what manner hee doth execute this Writ, leſt hee burne his fingers, for if the goods or Leaſes which hee taketh in execution bee not the defendants owne goods, or Leaſes, although hee may finde them in

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the poſſeſſion of the defendant, which is the beſt colour in Law to proue them his, if he vſe them and take the profit and benefit of them as appeareth in Twynes caſe in ſir Ed. Cokes 3. booke of Reports.

Alſo ſometimes it doth fall out, that the goods and chattels which a Sherife vpon ſuch a Writ taketh in execution, are not the defendants, and then the Sherife is a treſpaſſer to the Owner of the goods, as if the Lands be pawned to the defendant, they are none of his vntill the day of the redéeming of them bee paſt, 34. H. 8. Pledges, & 28. & 4. Edw. 6. diſtr. 75. So if a man bona fide, make a Leaſe of his Oxen for yéeres, and after is condemned in a perſonall Action, theſe Oxen during the time ſhall not bee taken in execution, 22. E. 4. fo. 10.

In debt where thrée are bound iointly, and ſeuerally, and thrée Iudgements are had againſt them, in this caſe if execution bee done againſt one of them, the others ſhall haue a Superſedeas: But in Treſpas againſt thrée, execution againſt one of them ſufficeth not, and the ſame Law is in a ioynt debt, 4. El. fol. 39.

If goods taken in execution vpon tryall are found to bée none of the defendants, then the Sherife ſhall pay damages to the owner of the goods, to the value of the goods ſo taken,

and costs of suit, although hee hath deliuered them to the plaintife in execution, or if he haue not deliuered them to the plaintife, if hee haue returned his Writs, that hee hath taken so much goods of the defendants, and that hee hath denarios illos parat ad reddend' to the plaintife, then hee is at a double mischiefe; for although the value of the goods bee recouered against him by the owner of the goods, yet the plaintife in the action may within the yeere after execution done, haue a Scire facias vpon the iudgement and returne, and thereby compell the Sherife to bring the money into the Court, and after the yeere hee may haue an action of debt against the Sherife for it, if hee bee not otherwise ordered by the Court where the Iudgement is depending. And therefore in this case the surest course for the Sherife, is either to keepe the goods vntill the parties bee agreed; or else to take good security of the plaintife to defend him and saue him harmeleſſe, and to stay the returning of his Writs, vntill hee may be well aduised what to doe therein, for if hee take a bond of the plaintife, it is questionable whether it bee good or no in Law, and not within the compaſſe of the stat. of 23. H. 6. to be taken color officii: sed hoc quære.

It is resolued in Mittons case in my Lord Cokes 4. booke of Reports, fol. 33. & 34. that both

both the County C. and the gaole are appertinent and belonging to the Sherifes office, and ought not to be seuered, no more than the Sherifes turne from the office, and it was the opinions of Poph. & Anders. the 2. L. chiefe Justices, and with that agreeth the Judgement of the Parliament, anñ. 14. E. 3. ca. 10.

Now next I will say something as concerning a Sherifes account, which will trouble him most of all, if hee bee neuer so skilfull therein, it is so tedious and so chargeable, for if hee get by his office, hee will goe nigh to bee stripped cleane out of it in paying of Exchequer fees, and other extraordinarie charges which hee cannot auoid, as experience hath taught mee, and there is no way to helpe it as I thinke, but by an act of Parliament, and therefore it is no maruell that the Undersherifes make shipwrack of their consciences, to catch what they can to saue themselues, and that which they had before they entred into that office, for what betweene some of their high Sherifes couetousnes in taking mony for their office: & extremitie shewed to them and their sureties vpon euery light and small occasion, and the extreme taking of ordinary & extraordinary fees of Exch. men, a poore Undersherife is stripped out of all that euer he hath, or can make, if hee doe not hedge so, as hee may bee still in action euery yeere, as a For is

ſtripped out of his skinne, and yet few or none will pittie him, for in euery Court where hee is called in queſtion, the name of an Vndersherife is ſo odious and many times not without iuſt cauſe, that oftentimes an honeſt man is condemned to bee a knaue, before hee is heard ſpeake for himſelfe; nay, hee is ſo odious (I meane a lewd extorting Vndersherife) that a Theefe by the Kings generall Pardon, receiues more fauour then hee can, for a theefe is thereby pardoned of all felonies, for the which hee might haue the benefit of his Clergie, although hee cannot reade, but all miſdemeanors committed by an Vndersherife, are commonly excepted out of the Generall Pardon, which is ſomewhat harſh; that all ſhall bee condemned for ſome, for there is neuer an Officer the King hath, taketh more paines, and vndergoes more perils, and doth the King better ſeruice, than an honeſt vnderſtanding and a carefull Vndersherife doth, but commonly theſe doe die beggers, by reaſon of the cauſes before alledged.

## The entrance into the Sherifes Account.

*Firſt*, in Hillarie Terme next after they are out of Office, the high Sherife and vnder-

Sheriffes of moſt Shires, are ſworne to yéeld and giue a iuſt and true account to the King and his officers in the Exchequer of the Kings debts, which they ſhall bée charged withall, by the greene war of the Exchequer, and of all wayſes, ſtreyes, and felons goods, which happened within the compaſſe of their office, and of all other profits whatſoeuer, due and belonging to the King, and chargeable by them to anſwer for, by reaſon of their office, or much to this effect. Now when this is done, the high Sherife commonly takes no further care, becauſe hée thinkes himſelfe ſecure, by reaſon of his ſecuritie which hée hath of his Undersherife, for thereupon hée relyes, and ſeldome or neuer remembers what oath hee hath taken, and ſo commits all to his Undersherife, then if his Undersherife bée a carefull and an honeſt man, and haue skill and regard to doe his beſt endeuour to leuie the Kings debts, and to pay them into the receit duely and orderly, as they ought to bée, then the high Sherife may doe well enough, and therein diſcharge both his Oath and his dutie, but if otherwiſe, a leud, or an ignorant Undersherife, may both vndoe his high Sherife, and himſelfe, both in this world, and in the world to come, by totting and nichling, that is, in charging or diſcharging, vnorderly, vnhoneſtly, or ignorantly, for if it bée totted, that is charged, though it can neuer bée leuied,

ed, it will now hardly bee auoided, but it muſt bee paid, and if it bee nichiled, if it bee iſſues of Iurours though they bee neuer ſo bad, and cannot bee leuied, betweene the old Sherife which returned them, and the new Sherife which nichiled them, they muſt bee payed though it bee ſeuen yeares after, if there come no pardon in the meane time, by an old Statute law made in the 27. yeere of Edw. 1. and to preuent this it behoues all Sherifes before they take vpon them to returne any Iurors, to get them a perfect booke of all the ſufficient freeholders names in the ſhire, and eſpecially of all which dwell in the gildable, howſoeuer they doe of thoſe which are in liberties, but of both is beſt, that the one may helpe the other, and to returne few or none that be meane Freeholders in the gildable, leſt by the ſaid Law they bee inforced to pay their iſſues for them, which is a thing very hardly to bee brought to paſſe, vnleſſe the Iuſtices of P. in euery quarter of the countrie, doe cauſe the Conſtables and Bailifes to bring a true certificate therof to the firſt quarter Seſſions that ſhall bee holden in the ſhire, after the election of the new Sherife, to bee deliuered vnto him there, and this will hardly bee done, vnleſſe the Iudges of Aſſiſe of euery ſhire will be pleaſed to write their letters to that end and purpoſe to the Iuſtices of Peace of euery diuiſion.

Now

Now next the Undersherife must goe to the forren Apposer, and with him hée must either tot, nichil, or set ouer into liberties, all the debts & sums of money contained in the Summons of the greene wax & in the Extracts of the P. of the Co. where he was Undersherife, wherin he must be very carefull what he doth, lest he do ỹ which he cannot vndoe againe, & to preuent the danger thereof, his best way is to examine his booke which hée is to make of all the charge contained in his summons & sceduls before and with the Bailife of the shire to haue their direction, which are good debts and which are not, and which are in liberties & which are not, if hée himselfe doe not know it, before hee come to his account, and then make his booke accordingly, & then hée shall bée the better able to performe the dutie of an honest man, when hée comes to his Apposals, but herein if the Sherife know not well the countrey, and the Kings debtors himselfe, hee is many times abused by the Bailifes, who most dishonestly will mis-informe him, and for bribes and rewards, which they take of the Frœholders, will tell him that they are either long since dead, or nothing worth, when as they are liuing, and very sufficient, and they will also serue him so, with the Recognisances, and by that meanes dishonest Bailifes doe cause Sherifes to deceiue the King of many of his debts by their ignorance against their wills,

wills, in trusting of the reports and informations of their Baylifes: and this cannot bee helped vnles the Sherifs will leuie the Kings money themselues, which they cannot possibly doe, by reason of their other businesse, or had trustie seruants about them to doe it truly, and honestly, without grieuance of the countrey as it ought to be.

# A particular of the ordinarie charges of the Accompt of *the Sherife of the Countie of South-*hampton, heretofore vſed to be *payed, as followeth.*

INprimis, to his Atturney in Mr. Osbornes office, for his warrant of Atturney. ij. s. vj. d. Termin ſancti Hill' Cfo Purificationis, when he entreth into his Account.

Item, to him for his fees, and I cannot tell for what elſe. xxx. s.

Item to his man for his fees, vi. s. viij. d.

Item to another in that office for entring of that warrant, xij. d.

Item to the puiſne Baron for miniſtring of the oath, ij. s.

Item to the Cryers and Tipſtaues there, xx. s.

Item to the Marſhall then and there, vi. s. viij. d.

Item to the forrein Apposer for his fee, iij. li. x. s.

Item to his men x. s.

Item to the Clerke of the Extracts for his fee

fee. xx s.

Item to his men x.s.

Item to his Atturney in the pipe for his fees, v.li.

Item to his man for his fee, xx.s.

Item to the Deputie of the Pipe for his fees, xxiij.s.iiij.d.

Item to the Controller of the Pipe for his fees, xxvij s.vj.d.

Item to his man for his fee, x.s.

Item to Pa. Orms of the Pype for his fees, xvij.s.vij.d.

Item to the Baron for the appofell vpon the fummons of the Pype, x.s.

Item to him for his fee for the vicontels, x.s.

Item to his man for his fee for the fame, v.s.

Item to his Atturney in the Kings remembrancers office for his fee, iij.s.iiij.d.

Item to his man, iij.s.vj.d.

Item for a Writ of Affiftance from your Atturney in M. Osbornes office, v.s.vj.d.

Termino Paſchæ. Inprimis to the Mr. of the Pype for his fee, xviij.li.v.s.

Item to the Pa. of the Wardrop for his fee, v.li.xj.s.ix.d.

Item to him for a Tally to haue thereby an allowance giuen for it, xvj.d.

Item for topping of that Tally in the Pype, iij.s.iiij.d.

Item for Mall. Elfons fee for the forreſt of Weſbeare

Welbeare in Hampſhire, iij.li.x.d.

Item for the Earle of Pembrokes fée for Burley wall in the New forreſt in the ſaid Countie, ix.li.ij.s.vj.d.

Item to Sir Will. Kingſmill for his fée and reparations of Frœmantle Parke in the ſaid County, xxix.li.xvij.s.v.d.ob.

All theſe fiue laſt paiments are allowed vpon the Sherifes account, out of the R. money, which otherwiſe ſhould be paid to the King.

Item to the forren Apposer for his fée for allowance of Juſtices wages to the Sherife vpon the Extracts of the Peace, xl.s.

Item to his men for their fées, xiij.s.iiij.d.

And herein the Sherife of the ſaid Countie is wronged by the Clerke of the Peace of the ſaid Countie, for the Clerke of the P. there receiues all the fines, and payes the wages, and if there be any ſurpluſage hée puts it vp in his owne purſe, and the Sherife payes it to the King and neuer hath it, becauſe the fines are all certified in the Extracts of the Peace, and many times the fines doe exceed the wages of the Juſtices which are allowed to the Sherife for the wages, for hée is allowed but iij.s. a day a péece for eight Juſtices, & therefore accounting the fées which hée payes to the Officers in the Exchequer for his allowance, hée is a great loſer by it, and the Clerke of the Peace goes away with the gaines, therefore this would be remedied.

Item

Item to the forraine Apposer for cutting vp of the debet vpon the scedules of the greene wax, v.s.

Item to the Auditor assigned for the shire, for declaring of the account, x.li. at the least.

Item to the Atturney of the pype for giuing allowance of the Iustices wages, before allowed by the forren Apposer in the Sherifs account, viij.s.iiij.d.

Item to him for giuing allowance of Elstons acquitance, vj.s.viij.d.

Item to him for the fee of the Accompt, xxxiij.s.iiij.d.

Item to his man for his paines taken therein, x.s.

Item to the Baron for declaring of the account, vj.s.viij.d.

Item to his man for his fee, ij.s.

Item to his atturney in the R. remembrancers office for examining of the account, v.s.

Item to one of Mr. Osbornes office for receiuing of the account, v.s.

Item for copies of the seisures which the Sherife makes himselfe in his yeere in Mich. Osbornes office commonly at the least, v.li.

Item for copies of the new seisures on the R. rememb. side, according to the number of them, but commonly they come to about xx.s.

Item you must leaue with your Atturney in M. Osbornes office in part of payment for making your petition vpon your account, for they

they will coſt you iiij. s. a peece, and you may perhaps haue C. r.li.

Item for another Writ of Aſſiſtants there v.s.vj.d.

Item for entring the view of the account in M. Osbornes office vj.s.iiij.d. Termino Trinitatis.

Item in the Alienation office for viewing of the account, and for a note of the charge there, iij.s.iiij.d.

Item if the Sherife take the benefit of a generall pardon, then hee muſt goe to the Clerke of the Extracts to haue ſcedules made of all, ſuch iſſues as are pardoned, and they will coſt him for euery ſcedule (as I remember) xx.d. which may come to iiij. or v.li. or thereabouts.

Item to the Clerke of the Extracts man for his paines therein xiij.s.iiij.d.

Item then to a Baron for allowing of them xiij.s.iiij.d.

Item to the Barons man iiij.s.

And this muſt all goe out of the Sherifes purſe without any allowance: and it is better then to oppreſſe the country when they may be eaſed by the pardon. For if the Sherife leuie any, hee muſt pay it into the receit, or elſe hee is forſworne.

Then if you carried any priſoners by Writ or commandement from the Iudges of aſſiſe you muſt goe to the chiefe Iudge of Aſſiſe for his warrant, and get your allowance vnder

his hands as good cheape as you can, for some of his men will haue money of you for it, x.s. at the least.

And then when you haue his hand to it, you must goe to the Chancellor of the Exchequer for his hand to it, and his man will looke for to haue for his paines therein taken at the least x.s.

Also in the Alienation office it will cost you for making of the bond and acquitance, with the scedules of seasures against such as haue sold land held of the K. without licence of alienation xl. s.vj.d.

Item for a warrant for a day to finish the Account vntill Mich. terme, which now will hardly bee gotten without extraordinary fauour xl.s.

Item to the Atturney in the Pipe office, for setting off from the Account, six Amerciaments xx.s.

Item to his man for his paines therein to be taken x.s.

Item paid for discharging of the Amerciaments in M. Osbornes office xx.s.

Item for a warrant to set off, and discharge in sir Hen. Fanshawes office xij.s.vj.d.

Item for another Writ of Assistance, v.s.vj.d.

Item to the Marshall for libertie if the Sherife cannot goe thorow with his account in Trinitie Terme iiij.li.vj.s.viij.d.

Item

Item to his man vj.s.viij.d.
Item to Mast. Osborne for ruling of your petitions xl.s.
Item more to his Atturney in the said Office for making the petitions v.l.
Item to his man for his paines taken therein xl s.
Item to the Maker of the Pipe for his fee xiij.s.iiij.d.
Item to the Controller of the Pipe for his fee xxx.s.
Item to his man xxij.s.
Item to your Att. of the pipe for his fee v.li.
Item to his man xxij.s.vj.d.
Item for the Acquittances of two tallies in the receit ij.s.
Item for striking of those tallies iij.s.iiij.d.
Item for ioyning and allowing of another tally for paiment of a debt de remanent compoti v.s.
Item to two Auditors for casting vp of a Sherifes account in the court when he is to be cast out of the court x.s.
Item to the Baron then xx.s.
Item to his men vij.s.
Item to the Marshall then vj.s.viij.d.
Item to the Tipstaues and Cryers then x.s.
Item to the Clerke of the Pipe for Recusants xxx.s.
Item for allowing and ioyning of the tally for Recusants debts vj.s.

Item to the Baron for respects for Recusants debts xxx.li.

Item to the Clerke of the Pipe for Recusants for allowing of that warrant x.s.

Item to the Master of the Pipe for the same iij.s.iiij.d.

Item to the bagg-bearer xij d.

Item for the Quietus est to the Sherifes Atturney of the Pipe iij.li.vj.s.viij.d.

Item to his man for his paines taken therein xx.s.

Item for the Quietus est for the Recusants xx.s.

Cum multis aliis quæ nunc præscribere longum est. Et sic quietus est.

Summa totalis, &c.

All these summes are paied, besides all his charges and fées which hée laies out and disburseth in the yeare that hée is Sherife, which comes to a great deale more, as experience will teach him.

Returns

# Retorna Breuium.

*Retorna Summon' Aſſiſus.*

VIrtute iſtius præcepti mihi directi venire feci corã Iuſticiar infraſc. ad diẽ & locũ infra content omnia Breuia Aſſiſarũ Iuratorũ, certificat in Coñ S. infraſcript coram quibuſcunque Iuſtic', tã per diuerſa breuia domiñ P. &. M. nup Regis & Reginæ Angliæ quã per diũſa breuia domiñ regis nunc, vna cum Pãnellis, Attachiamentis, reattachiamẽtis & omnibus aliis, adminicul' Aſſiſar, Iuratas, & certificationes illas qualitercunque tangeñ, venire feci etiam corã præfat iuſticiar ad Gaolam dicti domiñ regis Caſtri ſui Wintoñ de priſonibus in ea exiſteñ deliberand aſſignand, ad præfat diem omnes priſones in gaola prædict' exiſtẽs vna cum eorum Attachiamentis, reattachiamentis & omnibus aliis adminiculis priſones illos qualitercunque tangeñ & de vic'· cuiuſlibet villæ & loci ibidem feloñ vnde iidem priſones indict' appell' ſiue arreſtat exiſtunt intẽ fuer tam infra libertates quam extra xxiiij probos & legal' homines quibus rei veritas melius ſciri poterit & inquiri, Et qui priſoñ ill' nulla affinitat

attingunt vna cum quatuor hominibus & preponit villæ & loci eorũ ad faciend ea quæ tũc ibidem hiis ex parte domini regis nunc iniung. publice etiam proclam feci per totam Balliuam meam quod omnes illi qui sequi voluerint vers. priſon. illos qd tunc ſint ibi vers. eos put iuſtum fuerit proſecut Scire feci etiã omnib' coron Iuſtic' pacis ſeneſchalis dñor magnat & balliuis libertat & hundr com prædict quod tunc ſint ibm cum rotulis record indictamẽt & aliis memorand ſuis ad faciend ea quæ ad officia ſua pertin' prout interius mihi præcipitur.

Relid executiõ iſtius pcepti patet in quibuſd ſcedulis huic precepti annexat.

R.O.Aſ Vic'.

And the warrants which the Sherife muſt make by vertue of this Precept for the ſummoning of the Aſſiſes to the Bailifes of Liberties, and Bailifes of Hundreds muſt containe in them the whole ſubſtance of this Precept, but whether it bee in Latine or Engliſh, it is not materiall, ſo that it bee in due forme: And it is needfull that the Sherife keep for himſelfe a particular note of the names of ſuch perſons as hee nominateth in his warrant to bee ſummoned to ſerue in the grand Jurie, and not to leaue it to the diſcretion of Bailifes to put in and out whom they liſt in that ſeruice.

The

*The forme of a Warrant.*

ss. ROBertus O. Ar̄ Vic' com̄ præd̄ bal' libertat̄ de C. vel balliuo hund̄ de A. salut̄ virt' cuiusd̄ p̄cepti mihi direct̄ tibi mā-do qd ven̄ facias cor̄ L. T. & L. H. Iustic' Assisas in comitatu prædict̄ ad assisas apud Castrum Winton̄ decimo die Augusti proxim̄ tenend̄ seperal' person̄ subscript̄ ad faciend̄ ea que tūc & ibidem ex parte Domini regis nunc eis iniungetur. Publice etiam proclam̄ facias p totam balliuam tuam quod omnes illi qui sequi voluerint versus prisones in gaola Domini regis comitatu prædict̄ quod tunc sint ibi versus eos prout iustū fuerit prosecutur̄. Scire facias etiam omnibus coron̄ justic' pacis seneschalis dominorum & magnat̄ quod tunc sint ibi cum rotulis recordis indictamentis & aliis memorandis suis ad fac' ea quæ ad seperal' officia sua pertinēt, Et quod tuipse sis adtunc & ibidem ad faciendum omnia ea quæ ad officium tuum pertinent vna cum hoc p̄cept̄ sub periculo incumbent̄. dat̄ sub sigillo officii mei tali die & anno, &c.

R. O. Ar̄ Vic'.

Then here at the end of the Warrant vnder, the Sherife must set downe the names and dwelling places of such as hée will haue

warned to serue in the grand Iurie in particular, and keepe a note of them, that hee may bee able to shew to the Court, if need shall require, who he had determined to haue returned for that seruice if they had come, and if the fault fall out to bee in the Bailife, then hee shall bee punished, and the Sherife excused.

*Retorna summ' Sessionem pacis.*

VIrtute istius breuis mihi directi venire feci coram Iusticiar infrascript apud castrū Wintoñ infraspecificat die anno & loco infracontēt omnes Constabularios & Balliuos hundred infra Comitat specif. necnon de quolibet dictorum libertatum & Hundred viginti quatuor Iuratoꝝ ad faciend ea quæ eis ex parte Domini regis ad tunc & ibidem injungentur, ac etiam scire feci omnibus Constabulariis & Balliuis Hundred Comitat infrascript quod tunc sint ibi habētes secum omnia nomina artific' laborat & seruent husbandry infra hundred præd vad contra formā statut inde excessiue capiend ac insuper sufficient proclam feci infra Balliuam meam quod omnes ill' qui tam pro Domino rege quam pro seipsis versus huiusmodi artifices laborat & seruient aliquas querelas iuxta formā statuti ordinationis p̄d conqueri vel prosequi voluerint quod tūc sint ibi bill' suas prof. justiciamque ibidem subiter

si

ſi ſibi viderint expediri prout interius mihi præcipitur.

R. O. Aꝰ Vic.

The Warrant muſt begin in the ſame forꝫ as the other quod venire facias coram Iuſtic' dñi regis ad pacē in coñ præd apud, &c. omnes Conſtabul' &c. according to the ſubſtance of the matter contained in the Writ, and to conclude it as the other is concluded. South.

*Return' dicti breuis aliquando vtitur ſic.*

EXecutio iſtius breuis patet in quibuſdam Panellis huic breui conſuetꝰ vel annex'.

R. O. Aꝰ Vic'.

*¡Return' breuis original' in debito vel tranſgr' ſi defend' ſit inſufficient'.*

Pleg' de proſ. { I. Doo. R. Roo.

Infranominatꝰ H. B. & C. D. and if there bee moꝛe Defendants than two, then you muſt name but one, & ceteri def. infra nominatꝰ nihil habent in balliua mea per qd ſumꝫ poſſint, if it be debt, but if it bée in treſpaſſe, then it muſt be per qd attach' poſſint, oꝛ poteſt, if it bée but againſt one defendant.

R. O. Ar. Vic'.

*Return'*

*Retorn' de capias al' & plur'.*

INfranominat̃ A. B. non eſt inuent̃ in Ballua mea & ſi ſunt tres tunc ſit & cæteri defendent̃ infranominat̃ non ſunt inuent̃ in ballua mea.

R. O. Aſ Vic'.

**Theſe Writs are ſeldome or neuer vſed to be returned by Sheriffs, for atturnies do vſe to returne them themſelues, with the leaue and ſufferance or conſent of Sheriffs, other wiſe they cannot iuſtifie the ſetting of the Sheriffs name to their Writs.**

*Retorn' de Exigent.*

VIrtute iſtius breuis mihi directi ad comit̃ meũ tent̃ apud caſtr̃ Wintoñ in comit̃ S. infraſcript̃ die Lunæ, videlicet decimo die I. anno regni Domini regis infraſcript̃ xv. infranominat̃ I. C. & cæteri defẽd infranominat̃ (if there bee aboue two) primo exacti fuer̃ & non comparuer̃, ad com̃ meum S. ibidem tent̃ die Lunæ, videlicet viceſimo die A. anno prædict̃ prædictus I. C. & cæteri defend̃ infranominat̃ ſecundo exact' fuer̃ & non comparuer̃, ad comit̃ meum S. ibidem tent̃ die Lunæ, videlicet, deciñ die S. anno prædict̃ præd̃ I. C. & cæteri defend̃ infranominat̃ tertio exact̃ fuer̃ & non com-

comparuer̃, ad com̃ meum S. ibidem ten̄, videlicet, duodecimo die O. anno prædict̄ præd̄ I. C. & cæteri defend̄ infranominat̄ quarto exact̄ fuer̃ & non comparuer̃, Et ad Com̃ meum S. ibidem ten̄ die Lunæ, videlicet tertio die N. anno prædict̄ prædict̄ I. C. & cæteri defend̄ infranominat̄ quinto exact̄ fuer̃ & non comparuer̃, ideo prædict̄ I. C. cæteri defend infranominat̄ p̄ iudicum I. W. & W. R. gen̄ coron̄ dicti dñi regis com̃ p̄d̄ ſecund̄ legem & conſ. regni dñi noſtri regis Ang' vtlagat̄ ſunt & quilibet eorum vtlagat' eſt.

*R. O. Ar' Vic'.*

*Returna de breui de exigend' cum ſuperſed'.*

VIrtute, &c. Ad com̃ meum S. ibidem ten̄ die Lunæ, viz. 20. die A. anñ præd, præd̄ I. C. quarto exact' fuit & protulit mihi br̃e dñi regis de ſuperſed̄ & eſt huic breui annex', per quod ad executionem iſtius breuis vlterius faciend̄ ſuperſedi omnino prout mihi in eodem breui præcipitur.

*R. O. Ar' Vic'.*

*Return' de exigent vbi vnus reddit ſe & omnes al' non comparuer'.*

VIrtute, &c. Ad Com̃ meum South. ibidem tænt̄ die Lunæ, viz. x. die A. p̄dict̄ prædict̄ I. C. & cæteri defend̄ infranominat̄ quinto exact'

exact̃ fuer̃, ad quẽ diem præd I. C. comparuit & ſe reddidit priſon̄ dom̄ regis caſtri ſui Winẽ cuius quidẽ corp⁹ cor̃ Iuſtic' infraſcript̃ ad diẽ & loc' infracont̃ parat̃ habeo ,put interius mihi præcipitur ſed ceteri def. infran̄ non comparuer̃ ideo,&c. vt ſupra.

*Languid' in priſona ſuper reddidit ſe.*

AD com̄ meum,&c. p̄d I. B. comparuit, & ſe reddidit priſona domini regis caſtri ſui Wintoñ iuſta com̄ S. p̄d & in eadem priſona modo remanet, languidus variis infirmitatibus detent̃, Ita quod propter corporis ſui debilitat̃ & mortis periculum carriari non poteſt, & ea de cauſa corpus p̄d I. B. coram Iuſtic' infraſcr̃ ad diem & loc' infracont̃ ad præſens habere nõ poſſum iuxta form̄ huius breuis.

*Retorn' de Exigent. vbi vnus redd. ſe al' profert. ſuperſed. tertius mort. & quartus Waviat'.*

VIrtute,&c, ad Comitat̃ meũ S. ibm̄ tert̃ die Lunæ, viz. x. die A. anno p̄d I. H. S. R. A. C. & D. P. quinto exact̃ fuet̃ & p̄d R. S. ſe reddid priſona Domiñ regis caſtri ſui Wintoñ in com̄ p̄d cuius corpus Iuſtic' infrac' ad diẽ & locũ infracontent̃ parat̃ habeo ad faciend id qd breui p̄d in ſe exigit & requirit. Et p̄d D. P. protulit mihi br̃e dom̄ regis de ſuperſed

ſed huic breui annex. ideo quoad eum vlterius ꝓcedere non potui & p̄d I. H. mortuus eſt & p̄d A. C. waiuat̄ eſt, ideo p judic' I. W. & W. R. coron̄, Dom̄ regis com̄ p̄d, p̄d I. H. vtlagat̄ & p̄d A. C. waiuat̄ eſt.

*R. O. Ar. Vic'.*

*Retorna de allocat'.*

ALlocat̄ illi quatuor com̄ ad quos infranominat̄ T. C. exact̄ fuit & non comparuit. Et vlter̄ virtute iſtius breuis ad com̄ meū tent̄ apud caſtr̄ wint̄ in com̄ S. infraſc' die Lunæ viz. viij. die N. anno regni dom̄ regis infraſcr̄ Ang. &c. xv. prædict̄ T. quinto exact̄ fuit & non comparuit ideo per judiciū, &c. vt ſupra vtlagat' eſt.

*Retorn' de exigent inter duos vic'.*

VIrtute iſtius breuis mihi directi ad comit̄ meū S. tent̄ apud caſtrū Wintoñ. die Lunæ, viz. x. die A. ann̄ regni dom̄ regis Ang. &c. infraſc' xv. infranominat̄ R. K. primo exact' fuit & non comparuit.

*R. O. Ar' Vic'.*

Iſtud breue prout indorſatur mihi deliberat̄ fuit per R. O. ar̄ vic' com̄ infraſc' prox. predeceſſ. meum in eius exit ab officio, Et ad comit̄ meum South. tent̄ apud caſtrum Wintoñ prædict̄ in com̄ prædd die Lunæ viz. x. die D. anno

no præd præd R. K. ſecund exact̄ fuit & non comparuit, &c. vt ſupra.

Et ſi deficiunt coron̄ ad com̄ ad reddend̄ indic' tunc vic' retorn̄ br̄ia ſua ſic viz. quod ob defect̄ I. W. & W. R. coron̄ domini Regis comit̄ præd vlterius ꝓcedeꝛ̄ non potuit, **& then vpon this returne the Cozoners will bee fined foz euery Writ, vnleſſe they can mak a good excuſe.**

R. O. Aꝛ̄. Vic'.

*Retorna breuis de proclam.*

VIrtute iſtius breuis mihi direct̄ ad Comit̄ meum South. tent̄ apud Caſtrum Wint' in Com̄ South. infraſcr̄ xxj. die Martii, anno xj. infraſcr̄ proclam̄ feci, Et ad maxime vſuale oſtium eccleſiæ de B. infraſc' ſuper diem dominicū ſcz. decimum diem. April. an̄ regn̄ domini regis infraſcr̄ Angliæ. &c. duod', immediate poſt diuinum ſeruic' nulla prædicatio eadē Eccleſ. ad tunc ibidē exiſtens vno menſe ad minus antequam infranomiñ W. quinto exact̄ fuit proclam̄ feci, & ad general' Seſſion̄ pacis tent̄ apud Caſtrum Wintoñ prædict̄ in comitatu prædict̄ iij. die Maij, anno xij. ſupradict' in partibus de B. prædict' al' proclam̄ feci qd infranomiñ. A. B. ſe reddat mihi prout interius mihi præcipitur.

*Ric. M. Mil' Vic'.*

*Retorn'*

*Retorn' breuis de cap' vtlag' inter duos vic'.*

ANte aduent̃ iſtius breuis I. M. ar̃ nup Vic' Com̃ S. cepit infranomiñ T. D. & in priſona domini Regis infraſc' Caſtri ſui Wintoñ in com̃ S. prædꝯ penes ſe detinuit virtute cuiuſdam breuis dicti Domini Regis de capias vlt' dicto nuper vic' direct̃ quẽ quidem T. D. dict̃ nuper vic' vna cum dicto breui mihi I. D. mil' modo vic' Com̃ S. prædict̃ in eius exit̃ ab officio ſuo deliberauit cuius quidem corpus cum breui prædict̃, ego præfat̃ nunc vic' corã Iuſt. infraſc' ad diẽ & locum infracont̃ parat̃ habeo ad faciend & recipiend qd dict. bre in ſe exigit & requirit.

*R.O. Ar' Vic'.*

*Retorn' breuis original' in particione.*

Pleg. de proſ. { Iohannes Den. / Richardus Fen.

Sum̃ infranominat̃ R. B. & E. vxori eius. { W.H. / I.F.

*R.O. Ar' Vic'.*

*Retorn' breuis original' incommentione.*

Pleg' de proſ. { I. Doo. / R. Roo.

Sum infranom. { I.P. / Den. / Fen.

*I. O. Ar' Vic'.*

*Retorn'*

*Retorn' de ſum' in dote.*

Pleg. de proſ. { I. Doo. / R. Roo.

Sum. infranom. { I. H. / I. W. / W. D.

Et ad oſtium Eccleſiæ parochialis de P. vbi infranominat. A. B. ſuper diem dominicum, ſcilicet quarto die Iulii ann infraſcript' immediate poſt diuinum ſeruicium nulla predicatione ad tunc ibm exiſten publice proclam feci ſecund form ſtatuti prout iſtud br in ſe exigit & requirit.

*R. O. Ar' Vic'.*

*Retorn' de ſum' in vaſto.*

Pleg. de proſ. { Iohannes Doo. / Richardus Roo.

Sum infranom { L. P. / Willielm Fen. / Richardus Den.

Et vlterius ego R. O. ar vic' com infraſcript Iuſt. dom regis infraſcript certifico quod poſt ſum præd, ſcz. x. die A. ann infraſcript exiſten die dominico immeditate poſt diuin ſeruic' in Eccleſ. parochiali de B. infraſ. nulla prædicat' adtunc ibm exiſten apud maxime vſuale oſtiu Eccleſ. parochialis illius infra qu quidē parochi tenr infraſcr iacent & exiſtunt proclam fe-

ci

ci ſum̃ præd ſecund̃ formam ſtat̃ in huiuſmodi caſu ædit̃ & prouiſ.

*R.O.Ar' Vic'.*

*Retorn' de Pone.*

Pleg' de proſ. { Iohañ Den. / Richard Fen.
Infranominat̃ A. B. { Ioh. Den. /
Attach. eſt per pleg' viz. { Rich. Fen.

*Retorne de petit Cape in Dower.*

Virtute, &c. tali die & anno cepi in manus domini Regis infraſcript̃ tertiam partem tenementor̃ infraſpec' cum pertiñ prout interi? mihi precipit̃.

*R.O.Ar' Vic'.*

*Retorn' Brevis de viſu in dower.*

Iuſtic' infraſcript̃ certifico quod virtute iſtius brevis mihi direct̃ hab' feci infranominat̃ A.B. viſum de tertia parte tenementorum infraſpec' in præſent̃ N. C. R. D. W. B. & C. D. quatuor Milit̃ ex illis qui Vic' ill' interfuerunt. Et vlterius certifico quod dixi quatuor Milit̃ præd' quod ſint coram Iuſtic' infraſcript̃ ad diem & locum infra content̃ ad teſtificand̃ viſum illum prout per breue pred mihi præcept̃.

*R.O. Ar' Vic'.*

*Retorn'. de sum' de Assisa.*

Pleg. de pros. { I. Doo. / R. Roo.

Infranominat̃ W. L. nihil habet in ballia mea per quod Attach. potest nec est inuentus in eadem.

*Alit' vbi est Attach.*

Infranominat̃ W. L. Attach. est per vnam vaccam pretii xxx.s.

If the partie appeare not, his Cow is forfeit, and the sherife shall be answerable for the value, and therefore he had need either to keep the goods attached, or else to haue securitie to be saued harmlesse therein.

Resid̃ executionis istius br̃is patet in quodã Panello huic br̃i annex'.

*R. O. Ar. Vic'.*

Nomin̄ recogn̄ Assise noue disseisin̄ int̃. M. C. qu. & T. C. tenẽt A. B. C. D, &c.

M. Sum̄ recogn̄ præd̃ { I. H. / & eorum cuiuslibet R. S.

*Retorn' sum' Mil' Parliamenti.*

Virtute istius breuis mihi direct̃ sum̄ feci A. B. Milit̃ vnum Mil' de com̄ meo gladio cinct̃ p̃ B. T. & C. R. qd sit cor̄ Iustic' infras. ad diem

&

& locum infracontent̃ prout iſtud br̃e in ſe exigit & requirit.

*F. P. Mil. Vic'.*

*Retorn' de ſum' Parliamenti.*

Execucio iſtius breuis patet in quibuſd̃ Indenturis huic breui annex'.

Infranominat̃ { Iohannes Doo. / Richardus Roo. } A.B.

Exit̃.——————xx.s.

*F. P. Mil' Vic'.*

*Retorn' de ſum in Attaint'.*

Pleg' de proſ. { Iohañ Den. / Richard Fen.

Sum̃ infranoñ { I.N. / Iohañ Den. / Richardus Fen.

Reſid̃ executionis iſtius breuis patet in quodam panello huic breui annex'.

*R. O. Ar' Vic'.*

Nomina viginti & quatuor milit̃. Le pānell.

Richardus M. de N. Ar̃.

T. B. de A. Ar̃, &c.

Sum̃ Iur̃ prædict̃ H. H.

S. S.

Nomina Iur̃ primæ Inquiſitionis in breui huic panello annex' ſpec'. Le petit. Iur'.

E. M. geñ.

H. E. geñ, &c.

Pleg' predict' Iur' primæ Inquisitionis. } Thomas Pit. Willelm Fitt.

*Retorn' de resummon'.*

Executio istius breuis patet in quadam scedula huic breui annex'.

*R. O. Ar' Vic'.*

Nomina Iur' Iur' xxiiij. Milit' vnde in breui huic scedul' annex' sit mea.

R. M. de N. Ar'.

T. B. de M. Ar' &c.

Quilibet Iur' Iurem xxiiij. Milit' prædict' seperatim resum est per H. R. & M. N. bonos sum.

*R. O. Ar' Vic'.*

*Retorn' de accedas ad Cur'.*

Virtute istius breuis mihi direct' informa infrascript' & in plena Cur' ill' recordari feci loquelam infrascript'. Et recordum illud prout patet in scedula hic huic bri annex' habeo cor Iustic' infrascript' ad diem & locu infra content sub sigillo meo & sigillis I. B. &c. quatuor proborum & legalium hominum de balliua mea ex illis qui record ill' interfuer. Et Partibus infrascript' diem illum prefixi quod tunc sint ibi in loquel' ill' put iustu fuerint psecutur put interius mihi præcipit'.

R. O. Ar' Vic'.

The

*The stile of the Court* Altoñ.

Richardus T. miles ibidem tenẽ xxx. die Marcij. añ, &c. recitand le stile del roy.

I. S. queritur versus W. W. đ pl' captioñ & iniuste detentioñ aueriorum suorum.

*The Bailifes returne of his Warrant to the Sherife.*

Virtute istius præcepẽ mihi direct' accepẽ mecum R. S. &c. quatuor discret militẽ Hund de A. prædictẽ accessi ad Cur̃ R. T. militẽ & recordar̃ feci loquelam quæ est in eadem Cur̃ inter I. S. quer̃ & W. W. def. Et record illud patẽ habeo sub sigillo meo & sigillis præd quatuor Militẽ eiusdem cur̃ ex illis qui record ill' interfuer̃ & partibus prædict. eundem diem prefixi prout mihi precepẽ fuit. In cuius rei testimoñ tam ego R. F ballinus hundred præd quã p̃d R. S. &c. 4. legal' militẽ hund p̃d p̃senẽ sigilla nr̃a apposuimus.

R. O. Ar̃ Vic'.

*Retorn' de Recordare.*

Virtute istius breuis mihi direct̃ in pleno com̃ meo tenẽ apud Castrum Wintoñ in com̃ Southampẽ infrascr̃ tali die & anno recordari feci loquel' vnde interius fit mentio quæ qui-

dem loquela patet in quadam ſcedula huic bꝛi annex'. Et recordum illud habeo coram Iuſtic' infraſcripꝯ ad diem & locum infra contenꝯ ſub ſigillo meo & ſigillis W.H. E. R. &c. quatuor ꝓborum & legalium Militꝯ eiuſdem coñ ex illis qui record ill' interfuer & ptibus infraſcripꝯ diem ill' prefixi qd fuit ibidem in loquela ill' ꝓut iuſtum fuerit ꝓſecutuꝝ ꝓut interius mihi præcipitur.

Reſid exec' iſtius bꝛis patet in quadã ſcedula huic breui annex'.

R. S. ꝙritur verſus T. E. de placito captioñ & iniuſtæ detentionis aueroꝝ ſuorum.

*R. O. Ar' Vic'.*

*Retorn' de fieri feci ſur fieri fac'.*

Virtute iſtius breuis mihi direct fieri feci de bonis & catallis infranominati I. H. quãdã Dimiſſioñ & conceſſioñ eidem I. H. per quẽdam T. G. Gener per Indentuꝝ ſuam fact pro termino xxxj. annorum incipiend a primo die Iulij, Anno, &c. infraſcripꝯ ſecundo prout per Indenturam illam gereñ dat eiſdem die & anno plenius liquet, & apparet de & in vno meſuagio ſiue firma cum pertinentiis ſcituat iacent & exiſtentia in L. in paꝛochia de F. infra balliuam meam vocat ſiue cognit per nomen de B. ſimul cum omnibus & ſingulis terr pratis paſcuis boſcis ſubboſcis aquis & paſturis cum omnibus ſuis pertinentiis ſcituat iacen

ceñ & exiſteñ infra vill' parocſt. & campos de F. predict & O ſcilicet in ball' mea. Et predic' Dimiſſionem' ac omne & totum ius ſtatutū titulum terminum annorum poſſeſſionem & demand quæ prædict I. H. modo habet de & in prædict præmiſſis virtute ſiue vigore eiuſdem Dimiſſionis & conceſſionis aut aliter vēditioñ expoſui & vendidi cuidam P. H. generoſ. pro ſumma lxxvj. libr xiij. s. iiij. d. Ac etiam fieri feci de aliis bonis & catallis prædict I. H. ad valenciam lxv. lj. vj. s. viij. d. quas quidem denar ſummas ſic in form pd p me leuat in toto ſe attingunt ad ſum Cxxxij. li. xij. d. Et eaſdem ſummas coram domiñ rege ad die & locū infracont parat habeo ad reddend infranom E. P. & I. vxor eius in pte ſatisfact dāpnorū infraſcript prout p bre iſtud interius mihi precipit. Et qd præd I. H. nulla alia ſiue plura bona aut catall' in balliua mea habuit vnde reſid pd debit 165. li. 6. s. 2. d. fieri ſiue leuar poſſum ſecund exigens huius breuis.

*R.O.Ar' Vic'.*

*Aliter ſur nihil habet.*

Infranom R. B. mil' null' habet bona ſeu catall' terr aut tenement in balliua mea vnde denar infraſpec' fieri facere poſſum prout interi9 mihi precipit..

R. O. Ar Vic'.

*Aliter ſur fieri faciat execut' & vendition' expoſuit'.*

Virtute iſtius breuis mihi directi fieri feci de bonis & cattall' terr' & tenement' infranom' R. B. ad valēc' CCI. & illis de die in diē vendion' expoſui & inde vendidi ad valenc' C. li. quas quidem centum libr' ad diem & locum infracontēt' parat' habeo ad reddend' infranominat' I. W. ꝓut interius mihi precipit, Et reſid bonor' & catall' p̄d adhuc penes me remanent' inuendit' ob defect' emptorum.

R. O. Ar' Vic'.

*Retorn' de Tarde.*

Iſtud br̄e adeo tarde mihi deliberat' fuit, Ita q̄ propter temporis breuitat' exequi non potui ꝓut iſtud breue in ſe exigit & requirit.

*R. O. Ar' Vic'.*

*Retorn' ſpeciall ſur habeas corpus.*

Ego R. O. Ar' Vic' com' S. domino Regi ad diem & locum in breui huic ſcedul, annex' content' certifico qd ante aduent' eiuſd breuis A. O. in dict' breui nomiñ capt' fuit infra com' p̄d ꝑ W. V. ar' nup vic' com' p̄d & in priſ. dict' dom' regis Caſtri ſui Winton' in comitatu predict. ſaluo cuſtod eiuſdem nuper vicec' detent'

virtute

virtute cuiuſdam breuis dicti dom̃ regis de capiend verſus dict. A. gener̃ teſte apud Weſtm̃ nono die Oct. ann̄ regni, &c. & return̄ coram Iuſt. dicti dñi regis apud Weſtm̃ die ſancti Martini quind dies tunc prox' ſequen̄ ad ſatisfaciend T. D. gener̃ tam de quodam debeo xl. li. quam de xxx. s. pro dampnis vnde idem A. corā p̄f. Iuſtic' apud Weſtm̃ conuict̄ns fuit, cuius quidem A. corpus ſic capt̄ & in priſona p̄d ſub cuſtod dicti nup vic' ea occaſione exiſten detent̄. Ego p̄f. R.O. nunc vic' com̃ præd recepi de p̄d nup vic' in eius exitu ab officio ſuo & corp9 eius per me de prefat̄ nup vic' ſic recept̄ in priſon̄ præd ſaluo cuſtod feci quouſque poſtea ſcz. decim̃ die Decemb. ann̄, &c. recepi quod ꝺ breue dict. dñi regis de ſupſed mihi direct. cuius quidē brenis tenor̄ ſequit̄ in hæc verba, Iac. &c. virtute cuius quidē breuis de ſupſed pro eo qd̄ non fuit aliqua cauſa detention̄ p̄d A. dict̄ A. ad largū ire pmiſi dict̄ breue de capiend ad ſatisfaciend in aliquo non obſtante prout per dict̄ bre de ſuperſed mihi inde p̄cipitur ideo corpus p̄d A. corā præfat̄ dom̃ rege ad diē & locū in dict. breui huic ſcedul' annex. content̄ parat̄ hēre non poſſ. prout idē bre in ſe exigit & requirit.

R. O. Ar̄. Vic'.

*Alias.*

Ante aduent̄ iſtius breuis mihi direct. inſranomiñ H. H. commiſſus fuit Gaolæ dom̃ regis Caſtri ſui Wintoñ in com̃ infraſcr̄ ſub cuſtod

mea

mea virtute cuiuſdam warr̃ F. C & I. W. duor̃ Iuſt. dict' dom̃ regis ad pacem in com̃ prædict' conſeruand', necnon ad diuerſ. felon̄ ad tranſgr̃ & al' malefact' in eodē com̃ ppetr̃ audiend & terminand aſſign̄ gerēn dat' tertio die. A. an̄ infraſcr̃ pro quibuſd tranſgr̃ & contempt' contr̃ formā ſtatuti pro punitione vacabund & pro paupert' & impotenc' edit' & hæc eſt cauſa captionis & detentionis ipſius H. corpus tamē pd H. ad dic̄ & locū infracōtent' parat' habeo ,put interius mihi præcipit'.

*R.O. Ar' Vic'.*

*Aliat.*

Ego R. O. Ar̃ Vic' com̃ S. Iuſt. infraſcr̃ certifico qd. corpora R. T. & ceter̃ def. infranomin̄ p me non capt' fuer̃ ſed per W. V. Ar̃ nup vic' com̃ pd pdeceſſi. meum & mihi p ipſum minime deliberat' in exit' ab officio ſuo. Ideo corpora eorū corā Iuſtic' infraſcript' ad dic̄ & locum infra content' habere non poſſum ,put interius mihi præcipitur.

R. O. Ar̃. Vic'.

*Aliter ſur languidus.*

Iuſtic' dom̃ regis certifico qd infranomin̄ I. B. adeo languidus in priſona domini regis Caſtri ſui Wintoñ in com̃ South. variis infirmitat' detent'. Ita qd ,ppter corporis ſui debilit' & mortis periculum ipſum tute remouere non poſſum

poſſum ideo corpus eius coram Iuſtic' infraſc' ad diem & locum infra contenē ad preſens habere non poſſū iuxta formam huius breuis.

R. O. Aī Vic'.

*Aliud.*

Ego R. O. Aī Vic' comitaī. S. domino regi certifico quod corpus infranomiñ R. T. iacet ſub ſaluo cuſtod mea in executione ad ſect' T. B. pro C. li. reī coram Iuſtic' domiñ regis apud Weſtmoñ a die ſancti Michaelis in vnū menſem ideo corpus eius ad diem & locū infracontenē habere non poſſum prout interius mihi præcipitur.

R. O. Aī Vic'.

*Retorn' de mandati balliuo libertatis.*

Virtute iſtius breuis mihi directi mandati balliuo libertatis Thomæ Epiſcopi Wintoñ ad capiend & arreſtand infranomiñ I S. in forma infraſcripī qui plenum habet retornū omnium breuium & preceptorum & executionum eorundem infra libertatem prædict', Ac quod nulla execuc' iſtius breuis per me fieri poteſt infra eandem libertatem qui quidem balliuus nullum mihi ad hunc dedit reſponſum, vel ſic, qui mihi reſpondit qd infranominaī I. S. non eſt inuentus in ball' ſua, vel ſic, quod cepit corpus infranomñ I. S. cuius quidē corpus ad diem & locum infra contenē paraī habet ad fac' ea omnia

omnia quæ iſtud bꝛe in ſe exigit & requirit.

*R. O. Ar. Vic'.*

*Retorn' breuis de reſtitution'.*

Virtute iſtius breuis mihi direct̃ tali die & anno, &c. infraſcript̃ tenẽt infraſcript̃ cum pertiñ reſeiſiui & infranominat̃ T. & H. plenam poſſeſſion̄ & ſeiſiñ inde reſtitui prout interius mihi præcipitur.

*R. O. Ar' Vic'.*

*Retorn' de habere fac' poſſeſſion' cum fieri fac.*

Virtute iſtius breuis mihi direct̃ viceſimo quarto die Maij anno infraſcript̃ habere feci infranominat̃ H. H. poſſeſſionem termini ſui infraſcript̃ de tenementis infraſcript̃ cum pertineñ, Ac etiam fieri feci de terris & catall' infranom̄ W. W. xx. s. pcell' dãpnorum infraſpec' & denarios illos habeo coꝛ Iuſt. infraſcꝛ ad diẽ & locũ infraconẽt ad reddend pref. H. H. ꝓut interius mihi præcipitur.

R. O. Aꝛ Vic'.

*Retorn' breuis de ſeiſin'.*

VIrtute iſtius breuis mihi directi xxvj. die O anno infraſcript̃ habere feci infranom̄ N. S. plenaꝛ ſeiſiñ de & in tenemẽtis infraſpec'.

cum

cum ptin̄ prout interius mihi precipitur.

R.O. Ar' Vic'.

*Return' breuis de ſeiſina in dote.*

Execut' iſtius breuis patet in quadam Scedula huic breui annex'.

IVſtic' domini reg. certifico qd̄ virtute breuis domini regis mihi directi & huic ſcedul' annex deciſm̄ die A. anno, &c. habere feci P. B. vid in breui prædict' nominat' plenar' ſeiſim̄ de tertia parte manerij de B. cum pertinentijs in eodem breui ſpecific' viz. de vna aula & coquina de duobus ſpacijs in tenura dict' I. cum libr' ingreſſus & regreſſus ad & ab eaſdem, necnon ſuperiori part' domus manſionot' in tenura E. C. ab introitu verſ. Auſtral', Ac de vno clauſo ſeperali vocat' H. contineñ per eſtimat' quinque acr' ac de quatuor acr' paſtur' iacen̄ in borial' fine, vnius clauſi voc' B. & de vna acr' paſtur' voc' C. in breui pred ſpec. tenend' pref. P. B. in ſeperali per metas & bondas nomin̄ totius dotis ipſius P. ipſam P. contingen̄ de toto manerio in dicto br̄i ſpec' prout p breue p̄d mihi precipitur.

R.O. Ar' Vic'.

*Return' de venire fac'.*

Executio iſtius br̄is patet in quodā pannell' huic breui annex'.

R.O. Ar' Vic'.

A.B.

A.B.de E.gen̄ & sic xxiij. al'.

Le pānell. Quilibet Iur̄ pred̄ per se { Ioh.Doo.
seper̄ Attach. est. per Pleg. { Rich.Roo.

R. O. Ar̄ Vic'.

*Retorn' distr' Iur'.*

Executio istius br̄is patet in quodā pannel' huic breui annex'.

Le pānell. M. Iur̄ prædict̄ & eorum cuiuslib. { Ioh.Doo. Rich.Roo.
Exit̄ eorum cuiuslib.—x.s.

*R. O. Ar' Vic'.*

*Retorn' de Ca. ad sat'.*

VIrtut̄ istius breuis mihi direct' cepi corpus infranominat̄ A. B. cuius quidem corpus corā Iustic' infrascr̄ vel coram dom̄ reg. ad dic̄ & locum infracont̄ parat̄. habeo ad satisfaciend̄ infranominat̄ C. D. de debit̄ & dampnis infraspec' prout interius mihi p̄cipitur.

R.O.Ar̄ Vic'.

*Retorn' de Elegit.*

Executio istius breuis patet in quadam Inquis. huic breui annex'.

Inqui-

INquisic' Indentat̄ capt̄ apud B. in Com̄ p̄d̄ x. die I. anno, &c. coram me R. O. Ar̄ Vic'. com̄ præd̄ virtut̄ breuis dom̄ regis mihi direct̄ & huic Inquisic' annex' per sacram̄ T. B. &c. & sic xij. plur̄ ad minus, Qui dicunt super sacrament̄ suum quod B. C. in breui pred̄ nominat̄ tali die & an̄, &c. fuit seisit̄ in dn̄ico suo vt de feodo de & in vno mesuagio voc' &c. cum pertinen̄ iacen̄ & existen̄ in ciuitat̄ Wint̄ p̄dict̄ modo in occupatione A. G. vid̄ clari annui valoris in omnib9 exitib9 vltra repris. xl. s. Ac etiā de & in vno gardino cum ptin̄ voc' &c. in ciuitat̄ & comit̄ p̄d̄ clari annui valoris in omnib9 exitibus vltra repris. 20. s. Ac etiam de & in vno alio mesuagio cum pertinen̄ in comitat̄ & ciuitate prædict' scituat̄, iacen̄, & existen̄ prope templū ibid̄ voc' Saint Clem. Church nuper terr̄ cuiusdam R. A. defunct' modo in occupatione B. C. vel assign̄ suorum simul cū omnibus gardinis & edificiis eidem mesuagio spectan̄, siue pertinen̄ clari annui valoris in omnibus exitibus vltra repris. v. li. Ac etiām de & in vno alio mesuagio vocat̄, &c. in ciuitate & comitatu prædict̄ in tenura prædict. B. C. clari annui valoris in omnibus exitibus vltra repris. decem solid̄, quæ omnia & singula præd̄ B. C. nuper perquisiuit sibi & hæredibus suis de quibusdam N. S. & Al' vxor̄ eius vnius filiatū E. cohæred̄ præd̄ R. G. Qd̄ quidē mesuag' in tenura pred̄ B. C. vna cū gardino eidē mesuagio iacen̄ & spectan̄ cum omnib9 & singul'

suis

ſuis pertineñ pro medietat̃ omnium terr̃ & tenement̃ præd ego præfat̃ vic' deliberari feci R. S. in breui prædict̃ nominat̃ tenend sibi & Aſſigñ ſuis iuxta formam ſtatuti inde prouiſ. vt liber tent̃ ſuum quouſque debium ſuum C. l. vna cum xv. s. pro dampnis ſuis in breui præd mentionat̃ plenar̃ inde leuauer̃ prout breue p̃dict̃ in ſe exigit & requirit, Et vlteri⁹ Iur̃ prædict̃ ſuper ſacramentum ſuum prædict̃ dicũt quod prædictus B. C. nulla alia ſiue plura habet ſeu die recogñ deb. prædict' habuit bona aut catall' terr̃ ſiue tent̃ in comitatu prædicto ad eorum noticiam. In cuius rei Teſtim̃ tam ego prefat̃ vic' quam Iur̃ prædict' huic inquiſ. ſigilla noſtra alternatim appoſuimus die A. & loco ſuprad, &c.

R. O. Ar̃ Vic'.

*Retorn' de extent.*

Virtute iſtius breuis mihi direct' cepi corpus infranominat̃ W. W. cuius quidẽ corp⁹ ad dic̃ & locũ infracontent̃ parat̃ habeo ꝓut intent̃ mihi precipitur.

Reſid execut̃ iſtius breuis patet in quadam Inquiſic' huic breui annex'.

*R. O. Ar. Vic'.*

INquiſic' Indẽtat̃ capt̃ apud ciuitat̃ Wintoñ in com̃ prædict̃ xij. die Ianuarii añ, &c. coram me R. O. Ar̃ Vic' comitat̃ prædict̃ virtut̃ breuis

breuis dom̄ regis mihi direct' & huic Inquiſ. annex. per ſacrament̄ T. B. &c. vt ſupr̄, Qui dic' ſuper ſacramentum ſuum quod W. W. Ac in breui prædict̄ nominat̄ die recogn̄ deb. in eodem breui ſpec' fuit ſeiſit̄ in dominico ſuo vt de feodo de & in manerio de. A. Com̄ prædict' clari annui valor̄ in omnibus exit̄ vlt̄ repriſ. C. li. Ac de & in manerio de C. in com̄ prædicto clari annui valor̄ vlt̄ repriſ. C. li. Et vlterius Iur̄ prædict̄ ſuper ſacramentum ſuum prædict̄ dic. qd præd W. W. die recogn̄ deb. prædict̄ ſeu vnquam poſtea nulla habuit bona ſeu catall' neque al' ſiue plur̄ terr̄ ſiue tent̄ in com̄ prædict' ad eorum notitiam quod extend̄ appreciari aut in manus dict' dom̄ Regis cepi aut ſeiſiri poſſint. Quæ quidē maneria terr̄ & tent̄ prædict̄ cum pertinen̄ ego præfat̄ vic' die caption̄ huius Inquiſionis cepi in man⁹ dict̄ domini regis per extent̄ prædict̄. In cuius rei Teſtim̄, tam ego præfat̄ vic' quam Iur̄ prædict̄ huic Inquiſ. ſigilla noſtr̄ alternatim appoſuim⁹ die anno & loco ſuprad, &c.

*R. O. Ar. Vic'.*

*Retorn' de recogn' extra Cancellar'.*

Executio iſtius breuis patet in quadam Inquiſ. huic breui annex'.

INquiſ. &c. vt ſupr̄ qui dic' ſuper ſacram̄ ſuū qd E. M. in breui p̄d nominat̄ die capt̄ huius Inquiſ. fuit poſſeſſionat̄ de diuerſis bonis

& catallis ſequeñ viz. de frumenť vocat Rye ad valenc' 10. s. de hordeo ad valenc',&c. & de quibuſdam vtenſilliis vocať Houſhold-ſtuffe ad valenc',&c. Quæ quidem bona & catalla ego prefať vic' libeř feci præfať R. per præc' prædicť prou per breue præd mihi precipitur. Et vlterius Iuř præd ſuper ſacramenť ſuum p̄d dic' qd p̄d E. die recogñ deb. in eodem bři ſpec' ſeu vnquam poſtea nul' alia ſiue plura habuit bona aut catall' terř neq; tēť in coñ pred que R. W. in eodē bři nom̄ libř fac' poſſum. In cuius rei Teſtim̄,&c. vt ſupra.

R.O. Ař Vic'.

*Retorn' de breue de vaſt.*

Execuť iſtius breuis patet in quadā Inquiſ. huic breui annex'.

South: INquiſ. &c. Qui dic' ſuper ſacramentum ſuū præd quod H. A. & I. vxoř eius in dicto bři nominať fecerř vaſtum venditionē & deſtructionem in omnibus in eodem breui ſpec'. viz. permittend vnam aulam precii 30. s. duas cameras precit 3. li. vnum ſtabilum precii viginť ſolid eſſe diſcoopertum pro defect' reparatioñ earundem domorum & per tempeſtates pluuiales ſuper ill' deſcendenť deuenerř putridum & corruptum,&c. contra formā prouiſionis in eodē breui cōtent, Et vlť Iuř prædicť ſuper ſacram̄ ſuum præd dic' quod p̄d A. & I. aliud neque plꝰ vaſtū vendition̄ ſeu deſtructionem

onem fecer̃ in domibus prædict̃. In cuius rei Teſtim̃, &c. vt ſupr̃.

R.O.Ar̃ Vic'.

*Retorn' breuis ad inquir' de dampnis in dote vbi tenens obiit ſeiſitus.*

Executio, &c. vt prædict' eſt.

Inquiſitio, &c. Qui dic' ſuper ſacram̃ ſuum quod infranominat̃ W. K. quinto die Ianuarii anno, &c. apud K. in com̃ prædict̃ obiit ſeiſit̃ in dominico ſuo vt de feodo de & in tenemẽtis infraſpec', Et quod tenẽ prædict̃ ſunt clari annui valoris in omnibus exitibus vlt̃ repriſ. 20. s. Et quod ſex anni & tria quaternia vnius anni delabuntur, a tempore mortis prædict, W. K. Et quod infranom̃ I. D. ſuſtinuit dampna occaſione dotis ſuæ infraſpec' ad valenc' xl. In cuius rei Teſtim̃, &c. vt ſup̃. South.

*R.O.Ar' Vic'.*

*Aliter in tranſgr'.*

Executio, vt ſupra.

Inquiſitio, &c. Qui dic' ſuper ſacram̃ ſuum quod W. B. in dicto breui nominat̃ ſuſtinuit dampn̄ occaſione tranſgr̃ in eodem breui ſpec' ad 20. s. & promiſ. & cuſtagiis ſuis per ipſum circa ſecut̃ ſuam in illa porr̃e apponit̃ 20. s. In cuius rei Teſtim̃, &c. South.

*Retorna de ſcire fac' ſcire feci.*

VIrtute iſtius breuis mihi direct' per A.B. & C.D. probus & legales hoēs de ballia mea ſcire feci infranomiñ A.D. quod ſit cora Iuſtic' dom̄ Regis, vel coram dom̄ Rege, vel coram Baron̄ dom̄ regis, ad diem & locum infra contenē ad oſtendend & ꝓponend ſi quid pro ſe hēt vel dicere ſciat quare, &c. **according to the matter contained in the Writ,** prout interius mihi præcipiē.

*R.O.Ar' Vic'.*

*Retorn' de nihil ſuper ſcire fac'.*

INſranomiñ A.B. nihil habet in ballia mea per dei ſcire facere poſſum neq; eſt inuenī in eadem.

*Retorn' de deueſtauit verſus exec'.*

VIrtuē iſtius breuis mihi direcē cepi in manus meas diuerſa bona & catalla quæ fuerunt infranomiñ H.S. tempore mortis ſuæ in manibus infranominaē R.O. & K. vxoris eius exec' teſt. prædict H. adminiſtrand exiſtēn ad valenc' 37. li. parcel' deb' infraſcr̄ quæ quidem bona & catal' remanenē in cuſtodia mea ꝓ defectu emptorū, Et vlterius Iuſt. infraſcr̄

certifico

certificō quod prædict̄ R. O. & K. diuerſa bona & catalla quæ fuer̄ p̄dict̄ H. tēpore mortis ſuæ ad valenc' reſid̄ deb. & dampn̄ infraſpec' vendiderunt, & deuaſtauerūt & denarios inde prouenien̄ ad vſus ſuos proprios conuerter̄, Ita quod reſid̄ deb. & dampn̄ infraſpec' de bonis & catallis eiuſdē H. S. leuari ſeu fieri facere non poſſum. Et vlterius Iuſt. p̄d certificō quod predict̄ R. O. & K. vxor eius nulla habēt bona ſeu catalla de bonis & catallis ſuis propriis in balliua mea vnde reſid̄ deb. & dampnū infraſpec' aut aliquam inde parcell' fieri facere poſſum prout interius mihi præcipitur.

*Retorn' de repleuin ſur return' habend' aueriorum.*

VIrtute iſtius breuis mihi directi deliberari feci infranom̄ I. B. aueria quæ T.M. cepit & eidē T. M. in cur̄ dom̄ regis adiudicat̄ fuer̄ ꝓut interius mihi præcipitur.

R. O. Aꝛ Vic'.

*Retorn' de aueria elong' ſur Second deliuerance.*

ANte aduentū iſtius breuis aueria infraſcr̄ p infranom̄ T. C. elongat̄ fuer̄ ad loca mihi ignot̄, Itaq; viſ. eorund̄ infranom̄ H. & T. H. return̄ habere nó potui ꝓut inter̄ mihi præcipit.

R. O. Aꝛ Vic'.

*Retorna' de Withernam,*

VIrtute istius breuis cepi duas ollas erreat duas pattell' erreas, &c. de bonis & catallis I.H. in ist. breui nom̄ in Withernā & ea. W. B. infranom̄ deliberari feci habend eidē W. B. quousq; præd I. B. cattall' præd W. B. deliberar̄ voluer̄ prout br̄e istud in se exigit & requirit, Et vlterius vobis certifico qd p̄d I. H. in isto br̄i nom̄ null' habet alia bona neq; catall' q̄ in withernā capi possint aut per que Attac. potest iuxta tenorem huius breuis.

R. O. Ar̄ Vic.

*Retorn' breuis collect' xv. & x. extra Scacc'.*

VIrtute istius breuis mihi directi scire feci infranom̄ A. B. Ac etiam que ex pte dom̄ regis fierent dedi in mandat̄ qd p̄d A. B. circa leuacionē & collectionē sexte quintedecime & decime sex integrar̄ quintedecimar̄ & decimar̄ infrascript̄. Ac obligac' secundū formam stat. infrascript̄ p̄d A. B. ostendi feci ipsum ex parte dom̄ regis sigilland & vt fact' suum ad vsum euisd dom̄ regis deliberād, scz. dedi in mādat̄ sed p̄d A.B. omniñ eand sigillar̄ vel circa collect' p̄d intēdere recusauit & adhuc recusat in contemptus dicti Domini Regis ideo eandem obligationem ad diem & locum infracontent̄ habere non possum prout interius mihi præcipitur

cipitur. Et vlterius certifico quod ſcire feci infranominat̃ C. D. quod ipſe circa leuationē & collectionem dict' ſexte quintedecime & decime predict' ſex integrarum quintarū decimarū infraſcripte diligenter intendat, Et obligationem ſecundum formam Statuti infraſcript̃ ab eodem C. D. recepi & eandam in Scacc. dicti domini regis ad diem infracontent̃ certifico prout interius mihi præcipitur.

R. O. Af Vic'.

*The returne of a wood Writ in the Exchequer.*

BAroñ infraſcript̃ certifico quod P. M. L. S. & T. W. in ſcedula huic breui annex' nominat̃ nulla habēt bona ſeu catalla terr̃ ſiue tenement̃ infra balliuam meam vnde ſeperalia debit̃ ſuper ipſos & eorum cuiuſlibet imponit̃ fieri facere poſſum ſed virtute iſtius breuis mihi directi fieri feci de bonis & catallis H. L. T. K. & I. B. indict. ſcedula nominat̃ ſeperal' ſūmas ſuper ipſos & eorū quilibet onerat̃ & denarios ill' coram Baroñ infraſcript̃ ad diem & locum infracontent̃ parat̃ habeo prout interiꝰ mihi præcipitur. Et vlterius certifico quod I. B. E. A. & W. B. in dict̃ ſcedula nominat̃ alegauer̃ ſe habere exoner̃ actiones pro ſeperal' ſūmis ſuper ipſos & eorū quilibet onerat̃ & pro eo accepi ab eis ſufficien̄ ſecuritat̃ & pfixi eis

diem essendi hic ad scaccariũ dñi regis infrascr̃ ad diem & locũ infracontent̃ prout interius mihi præcipitur.

R. O. Ar̃ Vic'.

*Retrn' breuis de respect' homag' al' distringas in Scaccario.*

M. infra nominat̃ A. B. { I. Doo. / Rich. Roo.

Exit̃ ———————— xx. s. Or according to the value of the land more or lesse.

*R. O. Ar' Vic'.*

*Return' de Seasur' in Scaccar' nomine districtionis.*

VIrtute istius breuis mihi direct. xx. die Ma. Anno regni domini regis infrascript̃ decimo quinto, in manus domini Regis, maneriũ de S. infrascript̃ cum pertinen̄ in S. in com̄ infrascript̃, quod quidem manerium est clari annui valoris in omnibus exit̃ vlt̃ repris. xx. li. de terr̃ P. B. in scedul' huic breui annex' nominat̃, Ac cepi etiam in man⁹ eiusdem dom̄ regis vnũ torment̃ voc' a Pewtronel cum le flax & touch box valor̃ x. s nomine districtionis de bonis & catallis I. C. in scedul' p̄d nominat̃ prout istud breue in se exigit & requirit, &c.

R. O. Ar̃ Vic'.

*Aliter.*

*Aliter vbi nihil eſt return'.*

BAron̄ infraſcript̄ certifico quod A. B. C. D. & ceteri perſonæ in quibuſd̄ ſcedulis huic breui annex' nominat̄ nulla habēt bona ſeu catalla infra balliuam meā vnde ſeperalia debit̄ ſuper eos onerāt̄ ſeu aliquem inde parcell' fieri facere poſſum nec ſunt inuent̄ nec eorum aliquis eſt inuent̄ in balliua mea, nec ſunt aliqui exec' teſt. ſiue vltimæ voluntāt̄ p̄d ſeperalium perſonarum neque adminiſt' bonorū & catall' quæ ſua fuerūt. nec aliqui hæred ſeu tenen̄ terr̄ p̄d ſeperalium perſonarum ſiue eorum al' infra balliuā meā quæ diſtringere poſſum, put iſtud br̄e in ſe exigit & requirit.

Reſid executionis iſti⁹ breuis patet in quibuſdam Inquiſ. huic breui annex'.

*R. O. Ar' Vic'.*

*Nihil return'.*

INquiſ. indent̄, &c. qui dic' ſup ſacr̄m ſuum qd A. B. C. D. &c. in ſcedul' huic br̄i annex' nominat̄ ſeperalib⁹ dieb⁹ & ann̄ quib⁹ primo debitor̄ deuener̄ dño regi ſeu vnquā poſtea hucvſq; nul' huer̄ bona ſeu catall' terr̄ ſiue tenemē infra balliuā meā quæ extendi aut apprec' poſſint ad eorū notic', Et qd mortui ſūt ſed quibus die & anno ſiue diebus & ann̄, ac vbi penitus ignorant, In cuius rei teſtim̄, &c. vt ſupra. South.

R. O. Ar̄ Vic'.

*Vbi*

*Vbi terr' extendable iacet in al' Com'.*

BAron infraſc' certifico quod omnia terr & tenement que fuer infranoſn N. F. aut al' anteceſſorum ſuorum iacent in com S. & non in balliua mea.

R.O. Ar Vic'.

*Comorans in al' Com'.*

INfranominat E. S. eſt vic' Com O. & eſt comorans in dicto com O. & non eſt inuentus in balliua mea.

R. O. Ar. Vic'.

*Retorna pro vic' meſme.*

BAron infraſcr certifico quod ego H. W. miles modo ſum vic' Comit S. ideo meipſum diſtringere non poſſum prout interius mihi præcipitur.

*H. W. Mil' Vic'.*

*Retorna breuis pro elect' Mil' Parliamenti.*

VIrtute iſtius breuis mihi directi Eleg' feci duos milit gladiis cinctos magis idoneos & diſcret de com meo pd viz. W. F. & I. S. qui quidē mil' plen & ſufficient poteſt' pro ſe & comunitate com pd habeant ad faciend & conſentiend

ſentiend hiis quæ ad diem & locum infracõt de communi conſilio regni regis Angliæ ordinari contingeꝝ, Et p̃d W. F. & I. S. manucapt̃ ſunt per I. P. W. B. R. D. & R. N. ad eſſend ad parliamẽt Domini Regis apud Weſtm̃ ad diem infracontent̃ ad faciend prout iſtud breue in ſe exigit & requirit, feci etiam p̃cept̃ I. P. & W. S. ball' liberꝝ ville de G. qd de burgo de G. elegi fecerint duos burgẽſes de diſcreꝝ & magis ſufficien̄ qđ ſint ad p̃liament̃ dicti dom̃ regis ad diẽ infracont̃ ad faciend & conſentiẽđ vt p̃d eſt, qui quidẽ balliui ſic mihi reſpond qd elegi fecer̃ de p̃d burgo de G. duos burgenſes diſcreꝝ & magis ſufficien̄ ad eſſend ad parliament̃ p̃d viz. S. W. & R. W.

Reſid executio iſtius brẽuis patet in quibuſdam Inquiſic' huic breui annex'.

*R. O. Ar. Vic'.*

*Retorn' de breue ſum' Parliamenti.*

VIrtute iſtius breuis mihi directi tam infra libertat̃ quã extra p totã ball' meam publice ꝓclam̃ feci qd omnes & ſingul' p̃ſon̄ habẽtes terr̃ tenement̃ ant̃ redd vt infraſcript̃ eſt quorũ nomiñ in quadã ſcedul' huic bꝛi annex. ſunt ſcript̃ ad p̃ſnt̃ dñi regis circa feſtũ infraſcr̃ p̃ſonalit̃ cõpariant ac accedunt ad p̃f. ordinẽ recipiend prout interius mihi præcipitur.

*F. P. Mil' Vic'.*

*Retorn'*

*Retorn' de reſcous.*

EXecutio iſtius breuis patet in quadam ſcedula huic breui annex.

Virtute breuis domini regis mihi directi & huic ſcedulæ annex' feci quoddã warrañ meum cuidam *I.M.* balliuo meo iteneranti ad capiend & arreſtand E. G. in dicto breui nominat̃ ſecundum exigenc' eiuſdẽ breuis qui quidem balliuus meus virtute warrañ mei præd decimo die. I. anno, &c. apud D. in com̃. S. prædict' cepit & arreſtauit corpus prædict̃ E. G. & ad tunc & ibidem ipſum E. G. in cuſtodia ſua habuit ſuper quo F. G. de C. præd in com̃ prædict̃ generẽ & T. M. de eiſdem vill' & com̃ generẽ ad tunc & ibidem vi & armis viz. gladiis pugionibus & bacul' in predict̃ balliuum meũ inſultũ feceñ & ipſum balliuum meum ad tũc & ibidem contra legem & conſuetudinem regni domini regis Angliæ, &c. ac contra voluntatẽ ipſius balliui mei impriſonaueñ & ipſum balliuum meum in priſona ibidem per ſpaciũ vnius horæ ad tunc & ibidem detenueñ & xx. d. in pecuñ numeratis de bonis & catallis & denar̃ ipſius balliui mei a pſona ipſius balliui mei adtunc & ibidem prædict̃ T. M. cepit, ac pref. E. vi & armis prædict̃ ad tunc & ibidem a cuſtod dict' balliui mei ceperñ & reſcuſſeñ necnon eadem E. ſeipſam ad tunc & ibidem a cuſtodia prædict̃ balliui mei reſcuſſit contra voluntatẽ eiuſdem

eiuſdem balliui mei & contr̃ pacē dicti dñi regis nunc, &c. Et poſtea eadē E. non fuit inuentus in balliua mea.

*R. O. Ar' Vic'.*

*Alit' per balliuum Hundred'.*

VIrtute iſtius breuis feci quoddam warrāt meum W. H. balliuo Hundred de H. qui mihi ſic reſpondit quod vbi ipſe virtute warr̃ prædict decimo die S. anno, &c. apud C. in comitatu prædict cepit quandā I. S. & ipſum vſque ad gaolam dom̃ regis Caſtri ſui Wintoñ ducer̃ voluiſſet ibidem ſaluo cuſtod, Illuc ven̄ quidam I. G. & R. S. cum pluſ̃ al' ignot̃ vi & armis modo guerriñ arreyati & a cuſtod dicti balliui apud &c. predict I. S. cepeſ̃ & abduxeſ̃ & dictum balliuum necuiſſe voluer̃ niſi ipſū I. S. euadere permiſer̃, Et ſic ob metū mortis ſui ipſū I. S. euadere permiſit, Et ea de cauſa corpus prædict I. S. coram domino rege ad diē & locū infracont̄ habere non poſſum ,put inter' mihi præcipitur. Et vlterius certifico qd p̄d x. diē &c. p̄d I. S. non fuit inuentus in ball' mea.

R. O. Aſ̃. Vic'.

*Alit, per balliuum libertatis.*

VIrtute iſtius breuis mihi directi mandati I. S. balliuo libertat̄ de D. in com̃ p̄d qui habet plenū returñ omniū br̃ium p̄cept warr̃ ſibi

ſibi inde direct̃, Et qui tali die & añ apud P. in com̃ pd̃ T. S. in breui huic ſcedule annex' nominat̃ & in eod̃ warr̃ ſibi directũ ſimiliter nominat̃ capit & arreſtauit & ipſum T. S. in cuſtodia ſua occaſione præd̃ ad tunc & ibidem habuit & tenuit. Ac quidam I. C. nuper de S. in comitat̃ predict' Husbandman, agregat̃ ſibi quam plur̃ al' malefact' ignot̃ paciſque Domini regis perturbat̃ ad numerũ viginti perſonarum modo guerrum arrerat̃ vi & armis viz. &c. in ipſum balliuum adtunc & ibm̃ riotoſe inſult̃ fecer̃ & ipſum verberaver̃, vulneraver̃, & male tractaver̃, ita quod de vita eius deſperabatur. Et quod I. C. & al' &c. ipſum T. S. extra cuſtod dicti balliui ad tunc & ibidem cepe̅r & reſcuſſ. & ad ſui iuris ad largum ire permiſer̃ contra voluntatem prædict' balliui, Ac idem T. S. ſeipſum extra cuſtod dicti balliui adtunc & ibidem ſimiliter reſcuſſit contra pac̃ dom̃ regis nunc &c. Et poſtea idem T. non fuit inuent̃ in balliua mea.

*R. O. Ar. Vic'.*

*Return' de proclam' extra Cancellar'.*

VIrtute iſtius breuis mihi directi publice proclamar̃ feci infra balliuam meã quod infranominat̃ H. B. ſub pena legiancie ſuæ cor̃ Domino rege in Cancellar̃ ſua infraſcript̃ ad diem infracontent̃ compareat prout interius mihi præcipitur, necnon Domino Regi certifico

fico quod infranominat̃ H. B. non eſt inuentus in balliua mea.

R. O. Aꝰ Vic'.

*Return' de Commiſſion' de rebellion.*

DOmiñ regi certifico qd tẽpore receptiõñ iſtius Cõmiſſ. mihi & al' direct̃ infranoñ W. W. capt̃ & arreſt. fuit p W. S. mil' vic' coñ S. virtute diuerſ. brĩũ eidẽ vic' direct' & gaole dñi regis caſtri ſui Winꝯ p eund vic' cõmiſſ. fuit in qua quid gaola ego ꝑf I. W. ꝑf. W. W. virtute iſtius cõmiſſiõñ attach. feci ꝓut interius mihi ꝑcipit̃ ſed corpus eius ad diẽ & locũ infracontent̃ hẽre non poſſũ quia idẽ W. in ead gaola ſub ſaluo cuſtod dict̃ vic' ob diuerſ. aliis cauſis ibidem detinetur.

*I. O. Commiſſion'.*

*The returne of a Dedimus poteſtatem, to take the Oath of a Sherife.*

VIrtute iſtius breuis mihi direct. tali die & añ, &c. infraſc. recipim⁹ ſacrũ infranoñ R. O. vic' coñ S. de officio illo bene & fideliꝯ faciend iuxta forñ cuiuſd ſcedule ꝑſentibus annex. ꝓut interius mihi ꝑcipit̃, ac ꝓut breue iſtud in ſe exigit & requirit.

*W. S. & B. T.* } *Commiſſ.*

*Returna*

*Retorna de breue de præmunire.*

VIrtute iſtius breuis tali die & anno p I. S. T. W. & I. F. probos & legales hóies de ball' meo præmunire feci W. K. clerico infranomiñ quod ſit coram dom̃ rege ad diem infraconṫ vbicunq; &c. ad fac' & rec' prout iſtud br̃e in ſe exigit & requirit, Et I. B. & ceteri def. infranom̃ nihil habẽt in ball' mea p quæ eis p̃munire fac' poſſ. nec ſunt inuenṫ in eod.

B. O. Aſ Vic.

*Retorna breuis vbi Clericus non habet laicum feodum.*

VIrtute iſtius breuis mihi directi Iuſtic' infraſcripṫ certifico quod infranominaṫ T. H. Clericus eſt benefic' in Epiſcopaṫ London nul' habens laicum feod in balliua mea vbi poteſt' ſum̃.

R. O. Aſ Vic'.

*Returna breuis eligend' veridar' Foreſte.*

DOmiñ reg. certifico quod infranominaṫ I. H. ante aduenṫ iſtius breuis mihi direct mortuus fuit, quodque ego poſt receptionem iſtius breuis in pleno com̃ meo tenṫ apud caſtr̃ Wintom̃ in com̃ meo viceſimo nono die Marc' anno infraſcr̃ ex aſſenſu eiuſdem Com̃ loco præd.

præd I. elegi feci quendam N. S. armiger̃ viridar̃ foresta de B. infrascript̃ ad fac' ea omnia q̃ ad offiic' illum pertinẽt prout istud breue in se exigit & requirit.

*R.O.Ar' Vic'.*

*Retorn' breuis summ' coram Iustic' forestæ.*

VIrtute istius breuis mihi directi sum̃ feci Archiepiscopos, Episcopos, Comit̃, Baron̄, & omnes alios liberos tenen̄ qui terr̃ & tenement̃ habent infra metas forestæ domin̄ regis infrascript̃ in comitatu meo & quatuor homines & præponit̃ de quolibet villat̃ infra metas eiusdem forestæ, Ac etiam duos probos & legales homines de quolib. burgo infra metas dictæ forestæ tenend venir̃ detinir̃ vt solebãt, quod sint coram Iustic' infrascript̃ ad diem & locum infracontent̃ prout interius mihi præcipitur. publice etiam proclam̃ feci per totam balliuam meam tam in burgis quã in aliis villis ac in feriis mercatis & aliis locis publicis quod omnes ill' qui per chartam domin̄ Regis nunc aut antecess. vel progenitor̃ suor̃ aut aliquo alio. modo aliquas libertates seu frãchesias teneant aut libertat̃ habere clam̃ & quo warr̃ quod sint coram dictis Iustic' ad diem & locum prædict' p̃roclam̃ etiam feci quod omnes attach. pro virid & venac' in foresta prædict' post vltimum placit̃ forestæ præd tent̃ & eorũ pleg. & manu capt̃ qui suer̃ diẽ p manu.

eaptiõ præd̃ eſſend̃ coram præfat. Iuſtic' ad ſtand̃ rect' & ad faciend̃ ea quæ ſecundum legem foreſte facere debent.

Reſid̃ executiõ iſtius breuis patet in quibuſdam pannell' huic breui annex'.

*R. O. Ar. Vic'.*

*Le pannell.*

Anthõ B. de C. generoſ. & ſic xxiiij. for the grand Jurie, and twelue for the pety Jury.

*Quando aliquis oſtend' vic' tall' ſua.*

VIrtute iſtius breuis mihi directi baroñ infraſc. certifico q̃d firmar̃ infranomiñ poſt receptionem huius breuis mihi oſtend̃ tall' ſs de ſolutione firme ſuæ interius ſpecifi. ob q̃d præfixi eis diem eſſendi coram baroñ infraſcr̃ ad faciend̃ & recipiend̃ ſuper talia p̃d̃ iuxta tenor̃ huius br̃is, Et ideo leuatio ſum̃ interius ſpecific' ſuperſ. ꝓut interius mihi p̃cipitur.

*W. V. Ar. Vic'.*

*Retorna breuis ad proclam' vic' ad reddend' compotum ſuum per Coronatores.*

VIrtute iſtius br̃is nobis directi Baroñ infraſcript̃ certificamus quod in pleno Comitatu S. infraſcr̃ tent̃ apud Caſtrum Wintoñ in comitatu S. prædict' viceſimo die A. anno &c.

&c. infraſcript, Ac etiam in pleno comitat pd apud W. pd 18. die Septembr, anno &c. necnon in diuerſis vicibus poſtea in com pd articulatim ꝓclamari fecimus omnia & ſingula articula quæ in iſto br̃i continent & ſpecificat ꝓut p br̃e iſtud nobis interius præcipitur.

I.W.?
W.R.gen.} Coron'.

*Retorna de Capias extra Scaccarium tam corpus quam terr' nomine diſtrict'.*

VIrtute iſtius breuis mihi directi Baron infraſcript certifico qd cepi corpus infranominat I. R. cuius quidem corpus coram dictis Baronibus paratum habeo ad diem & locum infracontent, necnon viceſimo die I. anno &c. infraſcript cepi in manus domini regis nomine diſtrictionis cert terr & tenement infranominat I. R. iacent & exiſten in B. annui valor C. s. prout iſtud breue in ſe exigit & requirit.

R. O. Af Vic'.

*Capias in manus manerium.*

VIrtute iſtius breuis mihi directi Baron infraſcript certifico quod viceſimo die Martii, anno &c. infraſcript cepi in manus domini regis infraſpecificat manr infraſcript cum pertinentiis prout interius mihi præcipi-

tur. Et si sit cum inquisitione ℔ annui valor̃ tũc sic br̃e p̃d̃ returñ est.

Resid̃ executionis istius br̃is patet in quad̃ Inquis. huic breui annex'.

*R. O. Ar. Vic'.*

INquisitio Indentat̃ capt̃ apud, &c. as the inquisition is before for the forme, onely putting in the new matter.

*Retorna breuis de Q. quis est tenens extra Scacc'.*

VIrtute istius breuis mihi directi baroñ infrascript̃ certifico quod W. B. & M. vxor eius sunt tenẽtes tertiæ partis manerii infrascr̃ in tres partes diuidendum & C. A. M. E. & I. B. fil' C. D. defunct̃ sunt tenent̃ secund' partis manerii p̃d̃ in tres partes diuidendum, & tertia pars manerii p̃d̃ rem̃ in Custod̃ dñi regis ratioñ minoris ætatis P. B. fil' & hæred̃ p̃d̃ C. B.

M. prænominatorum W. { Ioh. Doo.
B. & M. vxor eius { Rich. Roo.

*R. O. Ar. Vic'.*

*Retorn' de venire fac' extr' Scaccarium vel offic' Coron' in natura de summons vbi est insufficient.*

INfranominat̃ A. B. nihil habet in ballliua mea per quod potest Attach. vel vbi eum sum̃ possum.

Infranomiñ

Infranominat̄ A. B. Attach. est per pleg. viz. { Io. Fen. / Rich. Den.

R. O. Ar̄. Vic'.

Exit̄ eorum j. marc'.

Et vlter̄ si hæc verba recitantur in breui, necnon ad ostend̄ tunc in quouis x. s.

*Retotn' de distringas vbi pars nihil habet in terr'.*

INfranominat̄ A. B. nihil habet in terr̄ tenement̄ & hæreditamentis infrascr̄ p qd̄ ipsum distringere possum.

*Alias.*

NUllum tale manerium neq; vlla terr̄ siue tent̄ cognit̄ per nomē de E. iacen̄ in com̄ S. vnde tenētes inde distringere possum ꝓut interius mihi præcipitur.

R. O. Ar̄. Vic'.

*Retorn' de venditione exposit'.*

VIrtute istius br̄is mihi direct̄ de die in diē vendition̄ exposui ill' bona & catalla ad valēc' C. s. resid̄ de 8. li. quæ nup de terris & catall' terr̄ & tent̄ T. E. infranomin̄ cepi & inde vendidi ad valēc' xl. s. quos quidē xl. s. ad diē & loc' infracōten̄ parat̄ habeo ad reddend̄ infranom̄ C. D. ꝓut interius mihi p̄cipitur. Et resid̄ bonorū & catall' p̄d̄ adhuc penes me remanent inuendit̄ pro defect̄ emptorum.

*Aliter return' de vendition' exponas.*

BAron̄ infraſcript̄ certific' quod ill' C. ones in hoc b̄re ſpec' vendition̄ exponere non potui eo q̄d adhuc remanent in manus infran̄ R. N. nup vic' com̄ S. & nunquam mihi præf. nunc vic' adhuc per præf. nuper vic' deliberat̄ fuer̄.

R.O. Aſ̄ Vic'.

*Retorna de fieri fac' vbi null' addition' datur aliis def.*

BAron̄ infraſc̄' certifico quod ſunt diuerſ. perſonæ in com̄ meo nomin̄ & cognominis de I.K. viz. I. K. de B. I. K. de F. & I. K. de A quod non continentur in iſto breui de cuius p̄d I. K. &c. bonis & catal' denar̄ infraſp̄ fieri facere Neſcio ideo ad executionē iſtius breuis procedere non potui.

R. O. Aſ̄ Vic'.

*Retorn' breuis extra Curi' Wardorum & Liberationum.*

POſt receptionem iſtius breuis & ante retorn̄ eiuſd̄ ſeperal' denar̄ ſum̄ infraſcript̄ ſoluti fuerunt per ſeperales perſonas infranominat̄ receptori domin̄ regis cur̄ ſuæ Wardor̄ & Liberac', ideo ad executionem eiuſdem bre-

nis

uis procedeꝛ nõ potui prout interi⁹ mihi præcipitur.

R. O. Aꝛ Vic'.

*The Returne of a ſignificauit.*

VIrtute iſtius breuis mihi direct' cepi corpus infranomiñ A. B. cuius quidem corpus remanet in priſona domiñ regis Caſtri ſui Wintoñ ſub ſaluo cuſtod mea donec ſ̃act eccleſiæ tam de cõtemptu quam de iniuꝛ ei illat ab eo fueꝛ ſatisfact prout iſtud breue in ſe exigit & requirit.

R. O. Aꝛ Vic'.

*The returne of a ſignific' with proclam'.*

INfranominat A. B. non eſt inuent̃ in balliua mea, ſed virtute iſtius breuis mihi direct' in Pleno coꝛñ meo tent̃ apud Caſtrum Wintoñ in coꝛñ infracript̃ xv. die Iulii anno infraſcript̃ publice proclã. feci quod prædict' A. B. infra ſex dies proxim̃ poſt proclam. illam corpus ſuum reddat in forma infraſcript̃ prout̃ breue iſtud in ſe exigit & requirit.

R. O. Aꝛ Vic'.

INquiſitio &c. Qui dic' ſuper ſacrament̃ ſuũ quod W. F. in ſcedul' breui præd annex. nominat̃ mortuus eſt, ſed quibus die & anno aut vbi penitus ignorant; quodque W. M. etiam

in eadē ſcedula nominat̄ eſt reſidens in Londiñ & I. S. eſt coñorans apud B. in coñ. W. & A. R. in vill' & comit̄ Southhampt̄ extra coñ South. & reliqui perſoñ in eadem ſcedul' nominat̄. Ita vagrant & diſcurrunt in comit̄ prædict̄ quod capi & arreſtar̄ non poſſint. In cuius rei teſtimoñ &c.

South. INquiſitio &c. qui dic' ſuper ſacrament̄ ſuum qđ H. S. in ſcedula huic br̄i annex' ſpec. null' alia ſiue plura habet maneria terr̄ neque tenet in coñ p̄d præter & vltra maner̄ terr̄ & tenement̄ in ſcedul' breui præd annex. ſpec' extēd aut in manus doñi regis ſeiſire poſſint. In cuius rei teſtimoñ &c.

South. INquiſitio &c. Qui dic' ſup ſacr̄m ſuū quod I. W. in breui p̄d noñ die captioñ huius inquiſitionis fuit poſſeſſionat̄ de quadā dimiſſione p̄ termiñ viginti añ vnius meſuag. &c. in A. in coñ præd cum pertinent̄ añ valor̄ in omnibus exit̄ vltra repriſ. 4. li. quam quidē dimiſſionem ego p̄f. vic. die captionis huius Inquiſitionis cepi in manus dicti dom. regis, In cuius rei teſtimoñ &c.

South. INquiſitio &c. Qui dic' ſup ſacram̄ ſuum qđ quibus die & anno nuper comes H. obiit & vbi penitus ignorant̄ quodq; ipſe null' habet bona aut catall' in coñ præd quæ capi & in manus dict̄ doñi regis extend poſſit. Et vlter̄

dic'

dic' qđ p̄đ comes H. die quo obiit fuit ſeiſit̄ in dñico ſuo vt de feodo de & in manerio de C. cum p̄tiñ clari añ valoris in omnibus exit̄ vl̄t repriſ. 25. li. quod quidē maner̄ cum p̄tiñ ante aduent̄ iſtius breuis ego præf. vic' virtute alteri⁹ breuis extra hanc Cur̄ emaneñ & ex parte rememor̄ dicti dñi regis huius ſcaccar̄ affilat̄ ſeiſir̄ feci in manus dicti dñi regis p̄ extent̄ præd. In cuius rei teſtim̄ &c.

*Aliter.*

VIcar̄ infraſcript̄ cum pertiñ in manu dicti domini regis exiſtit. Sede Epiſcopus Wintoñ modo vacant̄.

*Aliter.*

QUod maner̄ terr̄ & tenț nuper W. dom̄ de Warr̄ in manus dicti dñi regis exiſtunt eo quod T. W. miles mod̄ domiñ de le warr̄ filius & hær̄ p̄đ W. nō proſecutus eſt liberac. ſuā extra cur̄ dict. dom̄ regis Wardor̄ & Liberac'. In cuius rei teſtim̄ &c.

*The returne of a Writ of Partition.*

EGo R. O. Ar̄. vic' com̄ præd Iuſtic. in breui huic ſcedulæ annex' ſpec. certifico qd virtute breuis illi⁹ in propria perſona mea xv. die I. anno &c. Acceſſi ad meſuag. in breui prædict̄ ſpec' per ſacram̄ A. B. &c. ad numerum 12. p-borum & legaliū hominum de com̄ præd & vſum in eodem bri ſpec' habuit reſpect. ad verum valorem eiuſdem meſuag. eundem meſ. cum pertinentiis in quatuor equal' partes partiri feci, & vnam partem partiū illar̄ viz. &c.

tenend

tenēd H. S. & vxori eius in breui præd nominat̄ in ſeperalitate per metas & bondas in iure eiuſd I. E. aliā partē inde viz. &c. tenend I. C. & E. vxor eius in bñi p̄d nominat̄ in ſeperalitat̄ in iure eiuſd E. & duæ al' ptes inde viz. &c. tenend p̄f. I. C. in ſeperalitat̄ in iure ſuo proprio. Et ego pref. vic' die & anno ſuprad eas deliber & aſſign̄ feci prout idem breue in ſe exigit & requirit.

R. O. Aſſ. Vic'.

FINIS.

# ¶ The manner and forme how to keepe a Court Leet, or a Law-day with all things thereunto appertaining as followeth.

*The third Booke.*

FIrſt the Steward muſt make his præcept to warne the court thus. Alto Weſt brake.

I. W. generoſus Seneſchal' R. T. miliꝯ manerii ſiue hundred ſui de A. balliuo eiuſdem manerii ſaluꝫ tibi mando qd diligẽt ꝑmonite ſac' curiã viſ. Franc' Pleg. maneꝛ ꝑd. Tenend xx. die Octob. ꝓx. ſequeñ circa horã nonam ante meridiẽ eiuſdem diei ad locum cõſuet. datꝫ ſub ſigillo meo viceſimo die Septemb. annñ, &c.

Per me I. W. Seneſc. ibid.

Then enter the court.

Sſ. Viſ. Franc' Pleg. cum cuꝛ T. mil' ibidem tenꝫ die Iouis viz. viceſimo die Octobr. anno regni dñi noſtri Iacobi dei gratia Ang' Frãc' & Hibꝛ, regis fidei defenſ'. &c. viz. Ang' Frãc' & Hibernñ x. & Scot' xlvj. ꝑ. I. W. Seneſc. ibid.

Then cauſe the Bailife to make three Proclama-

clamations, and say after the Steward thus.

All mãner of persons which are resiants or dozoners, and owe suit royall to this Court Lẽt or Law day, come in and doe your suite, and answer to your names as you shall bẽe called, every man at the first call, vpon paine and perill that shall fall thereon.

Then call the frẽe suitors and dozoners one after another thus:

L.G. gent. come into the court and doe your suit and seruice, or else you will bẽe amerced, and when you haue called them, all those which made default, marke them ouer the head thus, Laurentius Gaole, in misericordia ij.d. and when all the frẽe suiters bẽe called, you must write thus, Sunt lib. ten: ñ huius manẽr & debent sect. ad hanc Cur & fecer default id quilibet eorum in miser prout patet super eorum capit.

Then the Steward must cause the Bailifes to make 3. Proclamations, & then to say thus, And if any man will bẽe essoined, let him come in and he shall be receiued, and all such persons as were essoined the last court, let them come now in and warrant their Essoines, or else they will bẽe amerced both for this Court, and also for the last, that is, they must appeare, and not bẽe againe essoined; for if that bẽe suffered, it will hinder the seruice: And if any desire to bẽe essoined by their Tythingman or other neighbour, then for the first Court they may

may bée essoined, and their essoines must bée entred as they are in the hundred Court in this booke.

Then let the Bailife say after the Steward, if any man will enter any plaints, let them come forth and they shalbe heard.

Then if any come to haue any plaints entred, then enter them as they are entred in the hundred courts, and if néed bée, those declarations and pleadings will serue here.

Then call the Tythingman of euery tything with his tything, and demand of him if his whole tything bée there or no, and aske him what Law-day, or Hundred siluer hée hath brought, this done, receiue his money, and sweare him thus.

## The Tything-mans Oath.

YOu shall sweare, that you shall make true inquiry, & the same present of all such articles and things as shalbe giuen you in charge concerning the K. Maiesty, and the lord of this Léet or Law-day, wherein you shall no concealment make, you shall spare nothing méete to bée presented within your tything for loue, fauor, affection or corruption, neither shall you present any thing for malice, hatred or enuie, but according as the truth of things haue may or shall come to your knowledge, by information or otherwise: So shall you make thereof

thereof a true presentment without concealement, So helpe you God, &c.

Then call the whole tything by name and sweare them thus.

The same Oath which A. B. your tything-man hath on his part taken before you and euery of you, you shall for your parts obserue, performe and kéepe in euery article and thing which shall bée giuen you in charge at the Léet, so helpe yee God and the contents of this Booke.

Then call the Constables of the Hundred if there be any there, and sweare them thus:

You shall sweare, that you shall make due inquiry, and the same present of all such articles and things as shalbe giuen you in charge, and of all and euery such thing and things, which are, shall, or may come to your knowledge méet to bée presented at this court concerning your office, wherein you shall spare no man for loue, feare, fauour, affection, or corruption, neither shall you present any man for malice, hatred, or enuy, so shall you make both a iust and a true presentment thereof without concealment, So helpe you God, and the contents of this Booke.

In like manner you shall sweare Ale-tasters, Heywards, and other officers, if any such bée answerable, or ought to appeare there according to their particular offices.

Then call to the Bailife for the names of the

the Jurie, and bid him returne them in writing whereof must be 24. which returne, made and deliuered, bid the Bailife make an O-yes and say after you thus:

You good men that bée returned to inquire for our Soueraigne lord the King and the lord of this Léet or Law-day, answer to your names, as you shalbe called, euery man at the first call, vpon paine of amerciament.

Then call the Iurours seuerally by name as they bée returned, and prick them openly which appeare, and none else, and when 14. or 15. or more haue appeared, then call the foreman to the Booke, and sweare him thus:

## The Foremans Oath.

YOu shall duly inquire, and true presentment make of all such articles and things as shall bée giuen you in charge, the K. Maiesties councell, your fellowes, and your owne you shall well and truly kéepe, and not disclose the same, but here in Court you shall present the trueth, and nothing but the truth, so help ye God and the contents of this Book, and then let him kisse the Book to affirme his oath.

Then call the rest of the Jury by 3. or 4. at once, and sweare them thus:

Also such oath as A. B. your foreman hath taken before you on his part, you & euery one of you shall well and truly obserue and kéepe

on

on your part, so God yée help, and the contents of this Booke.

And note that the Steward may impannell any stranger, if there want to make xij. of the Iurie, because it is for the seruice of the K. for a presentment made by fewer than by xij. is trauersable.

| | | | |
|---|---|---|---|
| Io. Doe. | Iur. | Io. Hye. | Iur. |
| Ri. Roe. | | Io. Pye. | |
| Io. Den. | | Io. Miles. | |
| Wil. Fen. | | Th. Giles. | |
| Wal. Neate. | | Ri. Cooke & | |
| Io. Feate. | | Th. Snooke. | |

then count them.

This done, then command the Bailife to make Proclamation, & say thus after the Steward: you good men that bée impannelled to inquire for our soueraigne lord the K. and for the lord of this Leet or Law-day, draw nére and heare your charge, and the court commandeth all others to kéepe silence whilest the charge is giuen, vpon paine of imprisonment.

An exhortation to the Iury before the charge.

My maisters you that be sworne, before I enter to giue you your charge, I shall exhort you in the feare of God, first of all to remember your duties to Almighty God, next to the K. Ma. and lastly to the L. of this Leet or Law-day, and therein to haue a speciall regard for

for the good of the common-wealth, here within the precinct of the Leet or law-day. God deliuered with his seruant Moses in the Mount Sinai ten Lawes or Commandements, which are diuided into ij. tables, the foure first which are the first table, doe teach vs our duties to God, the other 6. which are the second table, doe teach vs our duties one towards another, as the body of man is subiect to many sicknesses and diseases, so a kingdome is subiect to many mischieles and inconueniences, and as the one is often curable by physick, so the other is to be redressed and reformed by the due execution of Lawes which are as the sinewes of the Common-wealth, to keepe it in good order, and the execution of the Law is the life of the Law, otherwise it is but as a dead thing, and therefore good rulers and Magistrates are said to bee as fostering fathers and mothers to the Common-wealth, as well as naturall parents are to their owne children, and the subiect that honoureth his Prince, the child that honoureth his parents, and the seruant that honoureth his or her master or mistres, ought to honour them of duty in singlenes of heart, and not for feare of punishment, or hope of reward. By the ancient lawes of this Realme, this our kingdome of Engl. is an absolute Empire and monarch consisting of a head and of a body politike, compact and compound of many members, all which are diuided into two generall

parts, viz. the Clergie & the Laitie, both which next and immediatly vnder God ought to bee subiect and obedient to the King their head, for hée is their head, and they are his members, and hée is ordained to this end and purpose to gouerne his kingdomes and people, and especially the holy Church, and to defend the same from all errors, and from all workes of mischiefe and iniquitie, and to root out all malefactors which do disturbe the peace of the Common-wealth, by the due execution of the Lawes and stat. which are made to that end and purpose. All which hée hath committed to his Iudges and Iustices, and other officers as it is very méet and conuenient hée should, because they are his substit. for the well gouerning of this Kingdome; and I must tell you that these Léets and Law dayes are very ancient Lawes, and they were the first Lawes that euer were vsed here in England, and they were ordained for two causes; the one was that the King might vnderstand by his steward vpon the view of such persons as appeared before him, how many able men there were within the precinct of euery Law-day to doe him seruice in his warres if néed should require; for wee most vnderstand that at that time all Léets & Law-dayes were in the Kings hand, and at this day no man can kéepe a Law-day, but either by the Kings speciall grant, or else by title of prescription, which first began by

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the Kings grant: And the other cause was for the administration of Justice to the Inhabitants within the precinct of euery Leet or Law day; for before the beginning of those Leets or Law-dayes, there was no Law vsed, no, nor no Justice ministred, but all onely before the King himselfe, and whersoeuer hee was, there was the Law vsed, and Justice ministred, and in no place else, and then by reason of the great numbers of suitors which resorted to the Court for Law and Justice, oftentimes sicknesses & diseases were brought thither, which did indanger the Kings person, and also by reason of the multitude of suits which were there depending, it was long ere matters could bee heard and determined, and very troublesome and chargeable to suitors to repaire so farre and stay so long for Justice; for remedy whereof, this Realme was then diuided into Counties, and so into Hundreds, Ridings, Lathes, Leets, and Wapentakes, which are all one in effect, though they differ in name according to the custome of euery Countrey. And there is no man liuing within this Realm, but he is resident and abiding within the precinct of some one of these, and there hee ought to appeare twice euery yeere, if hee bee not otherwise priuiledged by his place or office, and if any wrong bee done vnto any man vnder the value of forty shillings, there hee ought to haue redresse, and

not else-where. Then these Lawes were afterwards confirmed by the statute of Marlebridge ca. 38. before the making of which statute, a Lord of a Léete or Law-day might haue kept as many Léets or Law-dayes in a yeere as hée would, and as few. But by that statute men were limited and appointed to kéepe but ij. euery yéere, videlicet, one within a moneth of Easter, and the other within a moneth of Michaelmas. And afterwards because men were of sundrie opinions, what things were inquirable at Léets or law-daies, and what were not, there was another statute law made in the seuentéenth yéere of E. 2. by which it appeareth what things are inquirable at a Léete or Law-day and what are not, and sithence that time there haue béene diuers other Statutes made, whereby diuers other articles are inquirable at Léets or Law-daies, which before the making of the statutes were not. Now therefore considering that these Léets or Law-dayes were first ordained for the causes already deliuered by mé vnto you, considering also, that the redresse of all wrongs, and the punishment of all offendors here within the precinct of this Léet or Law-day resteth in you who are here especially elected, sworne and put in trust as the most méetest, and worthiest men within the precinct of this Court for that seruice, it therefore behoueth you to haue a speciall regard to your

oathes

oathes therein, that you may the better perſorme the truſt which is repoſed in you, for now it is your parts and duties to trie right from wrong, and truth from falſhod, and to puniſh offendors, and to defend the innocent. The Prophet Ieremie teacheth you a good leſſon, and that is this, Iurabis ſaith hee, in veritate, in iudic' & in Iuſticia & amouete amorē & timorem odium & ſpem, that is, you muſt ſweare in truth, iudgement and iuſtice, not regarding the ſubſtance, authoritie or power of a rich man, nor the imbecilitie or poverty of a poore man, but rather you muſt follow the rule of that wiſe Philoſopher Plato, who ſaith thus, That Iuſtum eſt iudicium vbi non perſona ſed opera conſiderant, that is a right wiſe iudgement, were the perſon of a man is not regarded, but his offence: Et ex cordibus veſtris omnem affectionem expellite, & memores eſtote quātas minas deus inſtituit pro Iuramenti violat. You muſt if you would doe as you ought to doe, remoue all affection out of your mindes, and call to remembrance what threatnings God hath layed vpon ſuch as haue violated their oathes, for it is written in the 14. chapter of Leuiticus, thus, Qui blaſphemat' nomen dom̄ morte morietur, that is, Hee that blaſphemeth the name of God ſhall die the death: and in the fift chapter of the Acts of the Apoſtles, it was ſaid to Ananias and Saphyra, Non vives qui locu-

tus es mendac' & confestim occisi fuerunt pro mendac' in vendend Agr, that is, it was told them that they should not liue any longer because they haue dealt deceitfully, and made a lye to colour their deceit in selling of a field, and they were presently slaine for it: if God did then so punish them for making of a lye, which thing is so common now adayes, what will hee doe to them which doe not stick to lie and wilfully forsweare themselues? therefore it behoues vs to beware and to learne to bee warned by other mens harmes, lest wee fall into the like iudgement of God our selues. In doing well, and performing your duties in this seruice which you are to take in hand, you shall not onely please God therein greatly, and doe the King and the Lord of this Leet good seruice, but you shall also doe good to your selues and to your posterities, and therein cause the Common-wealth to florish and increase in godlinesse and pietie: but on the contrary part, if you shall be remisse and careless in doing of your duties, therein you shall not only offend God very greatly, and incurre the danger of the K. Lawes, but you shall also imbolden and incourage wicked and lewd persons to continue still in their owne wickednesse, & to goe forward à malo ad peius, and so to draw on sinne vpon sinne, as it were with cartropes, to their vtter ruine and destruction. And I would haue you to know, that if I find

you

you careleſſe and negligent in this ſeruice, I may then by the law impannell another Iurie to inquire of your concealements, the which if they ſhall finde, then may I ſet ſuch fines vpon you as I ſhall think fit, according to the qualitie of your offences. But I hope that you will giue mee no ſuch occaſion, but rather that you will duly and truly inquire of and preſent all ſuch things as I ſhall giue you in charge.

And ſo I will here ceaſe to trouble you any further by way of exhortation, and proceed as God ſhall inable me and your patience to the particulars of your charge.

Your charge will bee ſomewhat long and tedious, and ſtandeth vpon many parts, but I will make it as ſhort as I can, and reduce it into fiue chiefe heads or parts, viz.

Pettie Treaſons.
Felonies by Statute Law.
Felonies by the Common Law.
Offences vpon diuers Statutes.
Lawes and common annoiſances.

And ſo of theſe in their order.

## Pettie Treaſon.

It is pettie Treaſon for a woman to kill her husband, or a Clerke his Ordinary, and the puniſhment for theſe offences, is death and loſſe of lands and goods.

## Misprison of Treason.

Next to this is imprison of Treason, and that is, when any one knowes of the Treason aforesaid, or any of them, and conceiueth it twentie foure houres, after knowledge therof had, the punishment for this offence is losse of goods and chattels for euer, and of lands during life and imperpetuall imprisonment.

## Felonies by Statute Law, Rape.

18.E. 2. & 1.H.7. Next you shall inquire of Felonies by statute Law, and therein first of Rapes, and that is if any man haue rauished, or had carnall knowledge of any womans body against her will, or hath stolne or carried away any widow or maide against their wills, and their friends, though it was done to the intent to marry them, yet it is felonie, and the offendor therein shall suffer death, and lose his lands and goods for it.

## Hunters by night.

1. H.7. Next you shall enquire of hunters by night, in any forrest, parke, chase, or warren, with visards disguised, to the intent not to bee knowne, if they bee apprehended and denie it afore a Justice of P. vpon their examination,

it

it is felonie, but if they confeſſe it, it is then but a treſpaſſe, and ſo finable.

Defacers of a mans Phiſnomie.

Next you ſhall inquire if any man or woman hath defaced anothers phiſnomie in putting wilfully his or her eyes out, or cutting out of his or her tongue, either of both, is felonie, and the offendor ſhall ſuffer death, and loſe lands and goods, 5. H. 7.

Seruants imbeſſelling their maſters goods.

Alſo you ſhall inquire of ſeruants which haue imbeſſelled their maſters or their miſtres goods, being put in truſt therewith, if it amount to 12. s. and vpwards, it is fellonie. 21. H. 8. ca. 7. and the offendors ſhall ſuffer death in this caſe, and loſe lands and goods.

Witches and Sorcerers.

Alſo yée ſhall inquire of Witches and Sorcerers, for if any of them haue killed or deſtroyed any man, woman, or child, with Witchcraft or Sorcerie, it is in them felonie, and the offendor ſhall loſe both his lands and goods for it, 5. El.

Rebel-

## Rebellions.

1. & 5. Eli. Also you shall inquire of Rebellions, Riots, Routs, and vnlawfull assemblies, and that is where persons to the number of xij. or vpwards, doe with force vnlawfully goe about to alter Lawes made by Act of Parliament, or any other Lawes of this Realme, and being required by the Kings Officers, vpon Proclamation to returne to their dwellings, and yet do remaine together by the space of one houre after such Proclamation made, or after doe attempt the like thing, it is felony, 1. Eliz. And so it is where any such number haue assembled themselues together to breake, or digge vp, or cast downe any pales, hedges, ditches, or other inclosure, or to pull vp any pondheads, conduits, or pipes, to the intent to kill or destroy any Deere in any Parke, Conies in any Warren, or Fish in any Fish-ponds, or haue fired any dwelling house, or any barne wherein any corne was laid, or any ricke of corne, or ring any Bell, sound any Trumpet, or Drumme, winde any Horne, fire any Beacon, or speake any rebellious words, or bring or send any money, victuall, harnesse, or weapon to any such rebellious persons, is felonie, and the offendors herein shall suffer death, and lose land and goods. Also there are concealers of these offences, the which if they con-

conceale foure and twenty houres, they are to haue nine moneths imprisonment, without baile or mainprise: and farmers and copiholders ought to lose their farmes and copiholds if they refuse to goe to suppresse such rebellion as is aforesaid.

## Felonies by the Common Law.

Next, you shall inquire of felonies by the Common Law, and that is where any doth steale to the value of xii. d. or vpwards, or doth steale any marked Swannes, or their signet, or their egges, or tame Deere, or rob Churches, Chappels, Pigeon-houses, or dwelling-houses, or any vpon the high way, though hee take but the worth of a penny from him, it is felonie, and the offendor shall die for it, and lose his lands and goods, and so shall their accessarie.

## Pettie Larcenie.

Also you shall inquire of Pettie Larcenie, and those be such as steale pigs, geese, hennes, chickins, corne out of fields, clothes from hedges, or out of windowes, rob orchards, or goe in theeues messages: the offendors herein are to haue corporall punishment, and so their accessaries: but they forfeit their goods if they haue any. 18. Ed. 2.

Now

Now I must tell you that all those offences which I haue already spoken of vnto you, are but onely to bee here inquired of and presented, but not here punished, but they are to bee punished by the Iustices of the shire vpon certificate made thereof by the Steward of a Leet or Law day.

But now follow the offences which are both here to bee inquired of, presented, and punished.

## Affraies and blood-sheds.

And therefore because man is the worthiest creature that God made, I will first begin to put you in remembrance of the Law made for his safetie and preseruation. You shall therefore first inquire if any man within your inquirie haue broken the peace, or made any affray or bloodshed: if any haue offended herein, you must present him or them, and the maner of it, with what weapon, for that it is forfeit to the Lord of this Leet, and the offendor or offendors are to be fined for such offence.

## Hue and Crye.

Next you shall inquire whether hue and cry after theeues & robbers haue bin duely pursued and followed as they ought to haue bin or no: if not, then you must present him or them which made default therein, for hee forfeits v.l.

Consta-

Conſtables and Tythingmen to puniſh Rogues.

Alſo you ſhall inquire how Conſtables and Tythingmen haue executed their offices in puniſhing of rogues, vagabonds, and ſturdie beggers which haue come within their charge: for if they haue bin remiſſe therein, then they ought to loſe xx. s. for euery default. No man or woman may bee ſuffered to beg by the law, nor no man or woman may giue any almes, vpon paine of x. s. for euery time they giue.

Who are ſaid to be Rogues.

Theſe perſons by particular are ſaid to bée by the ſtatute rogues, viz. Procters of Spittlehouſes, Patent-gatherers, or Collectors for Gaoles, priſons, or Hoſpitals, Fencers, Bearwards, common Plaiers of enterludes, Minſtrils wandring abroad, Glaſſe-men, Saylers, Souldiers, Schollers, & all other idle perſons which goe about begging.

Stockes in euery Tything.

Alſo for the puniſhment of theſe offendors, you ſhall inquire if there bée in euery tything a paire of ſtockes, according as there ought to bée by the ſtatute or no: if there bée not, then the tything doe loſe v.li.

Artillerie

## Artillerie to be maintained.

33.H.8. ca.9. Also you shall inquire whether euery one haue Bow and Arrowes according to the statute, or no: for euery man-child from 7. yeares old to seuenteene ought to haue a Bow and two Arrowes, and euery man from seuentene to threescore ought to haue a bow and foure arrowes, vpon paine of vj. s. viij. d. for euery default: and parents ought to prouide them for their children, and masters for their seruants with their wages, or else they ought to vndergoe the penaltie thereof.

## Buts in euery Tything.

33 H.8. And also for the exercise of Archers in shooting at times conuenient, there ought to be buts made in euery Tything, Village, and Hamlet, or else the Tything, Village, or hamlet ought to lose xx.s. for euery three moneths wanting Buts there.

## Playes or Games.

33.H.8. Also you shall inquire if any Alehouse-keeper or other person do keepe any vnlawfull games in his or their house or houses or elsewhere, as cards, dice, tables, loggets, quoits, bowles, or such like, in this case the house-keeper loseth for

for euery day forty shillings, and euery player vj. s. viii. d. for euery time.

Also Constables ought to search monethly for such vnlawfull games and disorders in ale-houses vpon paine of forfeit shillings, and they may arrest such as they find playing at vnlawfull games, and commit them to ward vntill they put in sureties not to play any more at any vnlawfull game.

No man may play at any vnlawfull game insatiably, vnlesse hee can dispend C. li. p̄ an in lands, fees, or offices, for life at the least: and hee may not play neither in any open place where euery one that will may see him, but in his house, or in his Orchard or Garden, vpon paine of 6. s. 8. d. for euery time, Except in the Christmas time; for then all men may play, 33 H. 8.

## Shooting in Gunnes.

Next you shall enquire of such as shoot in hand-gunnes, or crosse-bowes; for no man may shoot in them vnlesse hee can dispend C. li. p̄ an in lands, tenements, offices, annuities, or fees, neither may those shoot at any Pheasant, Partridge, Herne, Duck, Mallard, House-doue, Pigeon, Wigeon, Teale, or Heath-cock, vpon paine of x. li. for euery shoot. 33 H8. ca. 6.

Also by another Law made 1. Iac. Reg. hee that shoots in a Gunne, Crosse-bow, or long-bow

bow at any of the fowles aforesaid, or at any Hare or Deere, and cannot dispend x. pound yearely in lands, nor is worth 200. li. in goods, shall forfeit xx.s. for euery shot. which shall be to the vse of the poore of the Parish where such offence is committed, if the same bee either confessed, or proued by two witnesses, or else if the offendor bee not able to pay the said penaltie, or will not, then hee must haue three moneths imprisonment without bayle or mainprise. But if such offendor can dispend x. li. p ann or more, then hee shall forfeit vl. s. to the vse aforesaid, and find sufficient sureties that he shall offend therein no more.

But by the same law all such as haue plackards or licences, may kill Crowes, Rookes, Choghes, Pyes, Jeyes, Ringdoues, & other small birds for Hawkes meat onely, with a gunne, or otherwise.

Next you shall inquire whether your high waies bee sufficiently amended and made passable, as they ought to be or no, for to that end and purpose there ought to bee two Superuisors chosen in euery Parish, betweene Easter and Midsomer by the Constables & Churchwardens, and there ought to bee six dayes appointed for amending of high wayes, eight houres euery day, vpon paine of xx.s. to bee lost by the Superuisours. And euery one that hath a cart ought to send two able men with it,

it, with toles fit for that seruice, or else to lose ten shillings for euery day wanting, and euery householder ought to find an able man for that seruice, or else to lose twelue pence for euery day wanting. And they ought most chiefely to amend the wayes leading to Market Townes, and they may gather stones in any mans ground, and also digge pits of ten yards square in any mans seuerall for stones and rubbish (if it be a dell) filling the same vp againe, without danger of Law. And they must turne springs, if they can out of the high wayes; and trees and hedges which hang ouer the Kings high wayes, must bee cut and shreded vpon paine of x.s. for euery default.

## Purpresture and Assarts.

Next you shall inquire of Purpzestures and Assarts, and that is where any Wall, Hedge, Ditch, or House is set, leuied, or abated in the Kings high way, or any water-course stopped or turned into the high way to hinder the passage of the Kings subiects, or any way annoy them. 18.E.2.

## Bonds and markes.

Also you shall inquire whether any meare stones or stakes, bonds or markes, betweene this Lordship and any other, or betweene

tenant and tenant, hath bin remoued since the last law day, or before, and not set in the vsuall place againe, if there be any which haue offended herein, you must present them.

### High-wayes or foot-steps stopped vp.

Also if any high-wayes or foot-pathes to Church, Mill, or Market bee stopped or hedged vp, which haue beene accustomed to lye open, you must present him or them which shut it vp, for the Kings subiects must not be stopped of his lawfull passage to Church, mill, or market.

### Common Bridges broken.

Also if any common Bridges ouer Common Streames bee broken, that by reason thereof the Kings Subiects cannot passe about their affaires and businesses, you must present those which ought to make them, vpon a paine.

### Common Pounds broken.

And also if common pounds bee broken, so that they will hold no distresse that is brought to them vntill they bee deliuered thence by order of law, you must present those which ought to make such pounds, vpon a paine.

Slee-

Sleepers by day, and walkers by night.

Also you shall inquire of Sleepers by day, and walkers by night, to steale and purloine other mens goods and Conies out of Warrens, Fish out of mens severall Ponds or Waters, Hennes from Henrouse, or any other thing whatsoever, for they are ill members in a Common-wealth, and deserue punishment, therefore if you know any such present them.

Eues-droppers.

Also you shall inquire of Eues-droppers, and those are such as by night stand or lye harkening vnder walles or windowes of other mens, to heare what is said in another mans house, to the end to set debate and dissention betweene neighbors, which is a very ill office, therefore if you know any such, present them.

Forestallers, Regraters, and Ingrossers.

Also you shall inquire of Forestaller, Regraters, and Ingrossers, euill members in a Common-wealth.

A Forestaller is hee which buyeth or causeth to bee bought any victualls whatsoeuer

going to any Faire or Market to bee sold, and maketh any bargaine for the buying thereof before the same bee brought into the Faire or Market, or doth make any motion for the inhancing of the price of any victuals, or doth moue or perswade any person comming to the Faire or Market with victuals, to absent and forbeare his comming thither with any victuall to be sold there.

Regrator is hee that getteth into his hands in any Faire or Market, any Corne, Tallow, or Candles, or any dead victuall whatsoeuer, brought to any Faire or Market to bee sold, and doth sell the same againe in any Faire or Market, within foure miles next adioyning thereunto.

An Ingroller is he or she that doth ingrosse and get into his or her hands, by buying or promise taken, other then by demise, grant, or lease, of bond or bill, of Corne growing in the Fields, or any other Corne, Graine, Butter, Cheese, Fish, or any other dead victuall whatsoeuer to the intent to sell the same againe for profit.

Their punishment. For the first offence they ought to haue two moneths imprisonment, without bayle or mainprise, and forfeit the value of the goods bought and sold.

For the second offence they ought to haue halfe a yeares imprisonment, & to forfeit double the value of the goods bought and sold.

And

And for the third offence they ought to bee set vpon the Pillorie, and to lose all their goods and chattels, and bee imprisoned during the Kings pleasure.

Cattell sold within fiue weekes.

Also you shall inquire of such as vse to buy Cattell and to sell them againe within fiue weekes, they ought to lose double the value of their Cattell.

Of Butchers.

No Butcher ought to sell in any open Faire or Market, any other victuall then that which is good and wholesome for mans body, and for reasonable gaines, and not at excessiue prices.

Shoomakers.

They ought to make their Shoes, and 5. Eliz.
Bootes of good and well tanned Leather, and well licoured, curried, and solved, to keepe men dry of their legges and feet.

Tanners.

Also you shall inquire of Tanners that haue vsed the occupation of a Coridwainer, or a Cur-

rier, or that hath put any Leather to sale, but red Leather as it came from the Tanne fatte, or that hath put any Hide or peece of Leather to sale, before it bee well dryed, marked, and sorted, and then sold in open market, or that hath tanned any sheepe skins.

## Glouers.

Also you shall inquire, whether Glouers, or white Tawers of Leather, doe make any other ware, than that which is good and substantiall, well tawed and dryed, and not rotten nor tainted, and sell the same at reasonable prices. And a White-Tawer may taw no Calfe Skinnes except they bee put to him to bee tanned, vpon paine to lose for euery Calfe Skinne twenty pence.

## Bakers.

Also you shall inquire whether the bakers doe their duties or not, in making of good and wholesome bread for mans bodie, of sweet corne, and not corrupted, and that they make their Bread in weight, according to the price of Wheat, in three markets next adioyning, not changing the assise of Bread, but by sixpence in weight in increasing or abating, and if they doe the contrarie, and bee thereof duly conuicted, then for the first, second, and third

time

time they shall bee amerced after the quantitie of their fault, and shall lose from time to time their bread so found to light in weight, but if they shall bée found faultie herein the fourth time, then they must bée set vpon the pillorie in open market, whose punishment may not bée released for gold or siluer.

Also a Baker must set his owne proper marke vpon euery loafe of bread that hée maketh and selleth, to the end that if any bread be faultie in weight, it may bee then knowne in whom the fault is.

## Brewers.

Also you shall inquire of Brewers, and Typlers, whether they make good and wholsome ale and beere for mans body, or not and sell and vtter the same according to the lawes and statutes of this Realme. And also they ought not to put out their signe or ale-stake vntil their ale be alleyed by the ale-tasters, and then to sell, and not before. 5.H.3. 51.E.3.

## Fishers.

Also you shall inquire of Fishers, whether they doe their duties or no, in bringing to the Market such fish as is good and wholsome for mans body, and not corrupt or stinking, and there sell the same at reasonable prices, with- 25.H.8. ca.7. 31.H.8. ca.2.

out taking of any excessiue gaines, but onely for euery twelue-pence bestowing one penny clere gaines ouer and besides their charges, and if any Fisher shall doe the contrary, then hee shall bee grieuously amerced from time to time, and his Fish if it bee corrupt and stinking to bee taken from him and openly burned in the Market.

Also no person may kill or destroy any yong Frie of Fish, in whatsoeuer riuer, fresh or salt, nor kill or take any Salmon or Trout, or any Pike or Pickerill, not being in length ten inches of clere Fish or more, nor any Barbell except hee bee twelue inches long in clere fish or more, vpon paine of xx. s. for euery fish so taken and killed being not of the seuerall lengths aforesaid.

Also no man ought to fish with any Net or Engine, angling onely excepted, but with such Net or Trammell as euery meash shall bee two inches and a halfe wide, except Nets onely to take Loches, Pennas, Buttheads, Gudgions, Eeles, and none other Fish, vpon paine of xx. s. for euery time offending, & losse of the fish and the vnlawfull Net.

## Conspiracie of Victuallers.

Also you shall inquire of the conspiracie of Victuallers, and that is where any Butcher, Baker, Brewer, Poulter, or Cooke, shall or

doe

doe conspire, promise, or make oath that they will not sell their victuals but at certaine prices, or if any artificers, or labourers doe conspire, promise, or couenant likewise not to doe the worke which others haue begun, or will do but certaine worke in a day, or will not worke but at certaine houres and times, then euery such person so conspiring, promising, swearing, and offending, being thereof lawfully conuicted, shall forfeit for the first offence x. li. if hee haue it to pay, then hee must pay it within six dayes after his conuiction, or else he is to haue twentie dayes imprisonment, & haue onely bread and water for his sustenance, and for the second offence xx. li. to bee paid as is aforesaid, or else to suffer punishment on the Pillorie, and for the third offence, he shall lose xl. li. to bee paid as is aforesaid, or else to bee set vpon the Pillorie, and lose one of his eares, and euer after to bee taken as an infamous person. And if such conspiracie shall happen to bee made by any Company or Corporation, they shall lose their Corporation, besides the penaltie and the particular punishment aforesaid. 2. E. 6.

## False Waights and double Measures.

Also if any within your inquirie, shall vse any false Waights or double measures in deceiuing of the Kings subiects in buying with a great 51. E. 3.

great measure, and in selling with a lesse, the offender thereof therein shall be grievously punished and imprisoned vntill he hath made fine with the King for his offence.

No man ought to sell any corne, ale, bread, or wine but by a measure sealed with this letter H. vpon paine of forfeiture for the first offence 6. s. 8. d. for the second offence 13. s. 4. d. and for the third offence, twenty shillings & to bee set on the pillorie, to the example of others; and the measure not sealed to bee broken, all which forfeitures are to the Lord of the Libertie where such offence is committed, and if it be in a citie, or borough, then it is to the maior and comminaltie.

3 Iacob. Also you shall inquire of such as vse to trace Hares in the snow, or to kill Hares with harepipes, or other engines, by an old Law they forfeit fiue shillings eight pence, for euery Hare so killed, but by a latter law made in the first yeare of the K. that now is, twenty shillings.

No Lay man may lawfully keepe any Greyhound, or Hunting Dogge, Ferits, or Nets, vnlesse hee can dispend fortie shillings per annum, Freehold: nor no Spirituall man, vnlesse hee can dispend ten pound per annum, of spirituall promotion, vpon paine of a yeares imprisonment.

Crow

Crow nett.

Nert you shall enquire if there bee in euery Parish & Tything within your inquiry a crow net, prouided to kill and destroy crowes, rooks, and choughes, according to the statute, or no, if there be not, they ought to lose x. s. for euery default, and it is not enough to haue one, but it must be vsed, and scrapes made in the winter to that purpose, vpon the like paine, but house-doues and pigeons may not in any case bee taken with it. 5. Eliz. 5. Iacob.

Apparrell.

And you shall inquire of such as excéede in apparrell contrary to the stat. for no man except hée may dispend xx. li. yéerely in lands for his life at the least, or is worth 200. l. in goods, ought to weare any silk on his hat, hose, shoes, girdle, scabberd, or spurleathers, vpon paine for euery dayes wearing of it x. li. and thrée moneths imprisonment: and if any man know his seruant to offend herein, and doe not put him away, and not take him againe within a yeare after, doth forfeit C. li. for euery such offence by the same stat. & these persons onely are excepted out of the stat. viz. The Kings Counsell, the Barons of the Exchequer, Iudges of the Law, Seriants at Law, the K. Philitions, Maiors and Recorders of cities and townes corporate, and their wiues. 24. H. 8.

Also

Refuse to goe to muster.

Also you shall inquire if any haue refused to goe to Musters, if there bee any such they ought to lose xl. s. and to haue ten daies imprisonment.

Also no man ought to water any Hempe or Flax in any running streame, vpon paine of twenty shillings.

41. E. 4. fol. 26. Also you shall inquire if any man haue receiued into his seruice any seruant, and hath kept him by the space of a yeare, & not sworne to the King according to the statute, his Master must bee amerced and the Minister ought not to receiue any man to the Communion table before hee bee sworne to be a liege man to the King.

Drunkards.

1. Iacob. Also you shall inquire of Drunkards, for they ought to bee presented, and to pay if they bee able for euery time they bee drunke v. s. to the vse of the poore of the Parish where the offence is committed, if not able, then after conuiction thereof, they ought to sit six houres in the Stockes.

1. Iacob. Also an Alehouse-keeper ought to lose xx. s. for

for euery pot they sell that is not a full quart, and x. s. for suffering any Townesman to sit drinking in their houses, except he be brought thither by a stranger, and then hee may not stay there aboue one houre.

And Brewers by the same Law ought to lose for euery barrell of Beere or Ale 6. s. 8. d. which they lay into any mans seller to bee sold there by retaile by any that is not licenced to sell Ale or Bere.

Waises, straies, and felons goods.

Also you shall inquire of waises, strayes, and felons goods. Waises are Cattell stolne and weiued out of the possession of him that stole them, and straies are Cattell straied out of their haunt, and they ought to bee seised vpon to the Lords vse, and to bee wreathed and put into an open place, and not in a couert, to the end the owner may haue the view of them, and they must be cryed at three market townes nert adioyning to the place where they are straied, and if they bee not challenged within a yeere and a day, then they belong to the Lord of the soile where they are, by the Law, otherwise not. 18. E. 2.

Which is all manner of felons goods which may (presently after the felonie is knowne to bee committed) bee seised vpon, but not taken away but left with the townethip, for the felon

lon must haue his finding out of it so long as hee liues vnconuicted or attainted, but when hee is conuicted or attainted, his goods then properly belong to the Lord of the Léet, if hée haue words for it in his Charter, otherwise they belong to the King.

## Treasure troue.

Also you shall inquire of Treasure troues, either vpon the ground, or within the ground: for if any hath béene found within the iurisdiction of this Court, it belongs to the Lord of this Léet or Law day.

## Mortmaine.

Also you shall inquire if any man hath giuen any lands in Mortmaine, that is, to any Religious house, or Religious person, or to any Corporation, Guild, or fraternitie, without licence, such gift is void, and the Lord may enter by way of Escheat.

Also you shall inquire if the paines laid at the last Léet or law-day be performed or no, if not, then you must present them that haue made default, and then those paines must bée read to the Iurie.

And to conclude, if there shall any other thing come to your knowledge méete to bée presented, and by any omitted to bée giuen in charge,

charge, you shall as well inquire thereof, and present it as the rest.

Then cause the Bailife to make three Proclamations, and say thus: If any man can informe the Steward of this Lèt, or his inquest of any pettie Treason, Felonie, pettie Larcenie breach of Peace, or of any other matter or thing now giuen in charge, let them come forth and they shall be heard.

And if any doe come in, then sweare them thus: that the euidence which they shall giue, shall bee the truth, and the whole truth, and nothing but the truth, so God them helpe, and the contents of this Booke, then adiorne the Court till after dinner.

Then at your returne from dinner, call all the Tythingmen and take their presentments.

And then that done, take the presentments of the Jurie, if they bee ready with them, or else giue them a day to bring in their presentments, and then commonly is the best seruice done.

Then sweare all the officers to their seuerall offices that are then and there to be sworne.

Then adiorne the Court vntill the day giuen to the Jurie to bring in their presentments, but if they haue no day giuen them, you may discharge the Court by Proclamation thus: videlicet, according as other Courts are discharged.

Then

When at the day when the Jurie deliuers in their presentments, you must first call them by their names, to see if all be there or no, and then aske them if they bee agreed of their presentments, if they say they bee, then receiue their presentments in writing in English, vnder their hands, for the Stewards warrant, and the Steward must turne them into Latin in this manner, not altering the substance thereof, viz.

*Petit Treason.*

INprimis, Iur̃ predict̃ dicũt & presentẽ super eorum sacramentum quod R. S. de A. genet̃ apud A. infra iuridictiõ huius. Cur̃ vt felo domini regis centũ Angelos aureos & trescẽt̃ grossos falsè & felonice excudebat & fabricabat litteris patentibus dñi regis inde prius nõ obtent̃ contra pacem dicti dñi regis nunc coron̄ & dignitat̃ suas contra formam statuti in huiusmodi casu edit̃ & promis.

*Felon.' comburiend' dom'.*

Item presentẽ quod quidam T. D. de I. yeoman̄ tali die, &c. apud I. infra iurisdictionem huius Cur̃ vi & armis, &c. voluntarie ac felonice ex malitia sua præcogitat̃ domũ cuiusdam I. S. combussit contra pacem dñi regis ideo p̄cept̃ est balliuo seisiri omnia terr̃ tenet̃ bona

&

et catalla ſua vt reſpondeat de iiſdem dom̃ huius manerij.

*Felon.*

Item preſent̃ quod W. P. de I. præd̃ Laboter, tal' die &c. apud A. infra iuriſdictionem huius Cur̃ vi et armis &c. ac contra pac̃ dom̃ regis clauſ. cuiuſd̃ A. B. apud I. prædict̃ fregit et intrauit et vnam tunicã biſſeam voc' Satten coloris nigri de bonis et catallis p̃d̃ A. adtũc et ibid̃ inuent' felonice cepit et aſportauit ideo prec' eſt balliuo ſeiſire vt ſupra.

*Acceſſarie.*

Item preſent̃ quod W. S. de I. predict' yeom̃an, infra iuriſdictionem huius Cur̃ conſultauit, inſtigauit, procurauit, comfortauit et abettauit quẽdam H. W. &c. vnam vaccam coloris nigri precij xxx.s. de bonis et catallis cuiuſdã E. F. adtũc et ibid̃ inuent̃ felonice furare, capere, et abducere, ac p̃d̃ L. virtute conſultationis, inſtigationis, procuration', confortationis, et abettationis p̃d̃ W. S. præd̃ vaccam tali die &c. anno &c. felonice furatus fuit cepit & abduxit.

*Rape.*

Item preſent̃ quod A. B. de I. yeoman tali die &c. apud I. infra iuriſdictionem huius Cur̃ clauſum et domũ cuiuſdam C. D. fregit et intrauit et in quidam K. C. filiam &c in pace

dei et dom̃ regis existen̄ insult̄ fecit et ipsam vi et armis adtunc et ibidem cont̄ voluntat̄ suam rapuit et eam carnaliter cognouit contra pacem &c.

*Felonie.*

Item presentat̄ quod A.B. de I. p̄d̄ yeom̄ tali die &c. apud I. infra iurisdictionē huius Cur̄ circa horā nonā in nocte eiusdem diei domū et mansionem cuiusdam C.D. vt felo domini regis fregit et intrauit ea intentione ad spoliand̄ predict̄ C.D. et sex Angelos aureos de bonis et catallis predict̄ C.D. adtunc et ibidē in quadam cista existentes felonice cepit et asportavit contra pacem, &c.

*Robberie.*

Item presentat̄ quod E. F. de I. præd̄ Laborer, tal' die &c. apud I. infra iurisdictionē huius Cur̄ vi et armis, ac contra pacem &c. in quendam T.B. apud &c. infra iurisdictionem huius cur̄ in regia via ibidem in pace dei et domin̄ regis existentē insultum fecit et ipsum T.B. adtunc et ibidem spolianit et sexdecim solidos et vnum Angelum aureum de bonis et catall' p̄d̄ T.B. in quodam marcipio suo adtunc et ibidem existen̄ a persona ipsius T. felon̄ cepit et asportauit cont̄ pacē dīi reg. coron̄ et dignitat̄ suas &c.

*Hutchins*

*Hutessius.*

Item present̄ qđ predict̄ T.B. existen̄ spoliat̄ leuabit magnam Hutess. et proclamationē et præđ E. F. tanquam felo dicti dom̄ regis dict. die et anno à p̄đ loco vbi sic spoliat̄ fuit recenter insequebatur usque ad p̄đ villam de &c. et ꝙ nullus inhabit̄ ibidem p̄đ felon̄ super hutess. p̄đ insequebatur et sic præđ felo euasit in dicti dom̄ regis contempt̄, ac contra formā stat. de Winton in huiusmođ casu ædit̄ et ꝓuis. ideo p̄đ villa de &c. in mis. &c.

*Fugam fecit.*

Item present̄ quod E. L. de I. prædict̄ yeoman tali die et anno &c. apud I. infra iurisdictionē huius cur̄ quendam spadonē coloris albi p̄cij &c. de bonis et catallis cuiusdā A. B. in communi campo ibidem existen̄ felonice furat̄ fuit cepit et abduxit. Et quod præđ E. L. ꝓ felonia præđ se retraxit et effugit, ideo præcept̄ est balliuo seisire duas vaccas de bonis et catallis p̄đ E. L. tanquam escaet̄ et domino forisfact̄, Et quod salvo custodiātur ad vsū dom̄ vel sic si sit pro rege ad usum dom̄ regis.

*Escape.*

Item present̄ quod cum quidā B. R. de I p̄đ yeoman capt̄ fuit et arrestat̄ pro suspitione cuiusdam feloniæ et in cippis posit̄ quidā I. F. de I. p̄đ Laborer tali die et anno &c. apud I.

prædꝯ cippos vi et armis ac felonice fregit et ꝑd B.R. adtunc et ibidem euadere et ad largū ire permisit contra pacem, Ideo præcept' est ballino vt prius etc.

*Felon' in Rescuss.*

Item present quod T.I. de I. ꝑd infra iurisdictionem huius cur' vnū vitulum precij etc. de bonis et catallis cuiusdā I.B. adtunc et ibidē inuent felonice cepit et asportauit. Et qd W.O. ballius manerii ꝑd tali die et an' etc. apud I. prædꝯ. prædꝯ I. I. pro suspect felonię prædict arrestauit et quod W.F. de I. Laborer vi et armis etc. apud I. predꝯ dict die et anno in prædꝯ W.O. in pace dei et dicti dom̄ regis existen' insultum fecit et prædꝯ T.I. in custod prædꝯ W. adtūc et ibīm felonice cepit arripuit et rescussit et ad largum ire permisit contra pacem etc. Ideo præc' est vt supra etc.

*Felon' Columbar.*

Item present quod A.B. de I. prædꝯ yeoman, tali die et an' &c. apud I. infra iurisdict' huius cur' circa horam primā in nocte eiusdē diei quoddā colūbare eiusdē etc. fregit et intrauit et quadraginꝯ columbas precij etc. de bonis et catall' etc. felon' cepit et asportauit cōtr̄ pacem etc. Ideo etc.

*Felon' dame Domestica.*

Item present' qd I.W. de I. predict' gene-

ros.

roſ. tali die et anno &c. apud I. infra iuriſdictionem huius cur̄ quandā damam domeſticam et gerent̄ caperanam circa collum ſuum præcij &c. de bonis et catallis cuiuſdem &c. adtunc et ibidem inuent̄ felonice cepit et aſportauit contra pacem &c. Ideo præc' eſt balliuo vt ſupra &c.

*Felon' trunco frall'.*

Item præſent' quod I.L. de I. præd̄ yeoman tali die &c. apud I. prædict' infra iuriſdictionē huius Cur̄ circa horam primā in nocte eiuſdē diei quendam truncum cuiuſdam &c. fregit et intrauit et decem piſces vocat' Pykes, præc' &c. de bonis et catall' p̄d̄ &c. a trunco eiuſdē &c. adtunc et ibid̄ felonice cepit et aſportauit contra pacē &c. ideo &c.

*Pettie Larcenie.*

Item præſent̄ qd̄ P. I. de I præd̄ yeoman tali die &c. clauſum cuiuſdam &c. apud I. fregit et intrauit et vnum mantil' voc' a Towell valoris vj. d. de bonis et catall' predict' &c. adtunc et ibid̄ inuent' felon' cepit et aſportauit Ideo etc.

*Venditio in cemiterio.*

Item preſent' quod W.B. et T.B. de I. præd̄ Carnifices tali die &c. infra p̄cinct' viſ. Franc' Pleg. poſuerūt carnes ſuas et alia venalia in eccleſia et cemiterio de I. præd̄ ad vendendum eaſd̄ que vbi diuina Seruitia celebratur et hu-

mana corpora sepeliunt̄ vendider̄ cōtra form̄ stat̄ de Wint̄ in hm̄di casu ædit̄ et ꝓuis. ideo ipsi in misericordia &c.

*Catalla Wainiat'.*

Item present̄ q̄d quidem M.S. veniebat infra iurisdictionē huius cur̄ et huc attulit quedā bona et catall' ꝑ ipsum furat̄ viz. vnū induceñ lineñ valoris &c. diversis alijs vestamēt̄ Anglice *One smock, one Petticote, and one shirt*, quæ omnia præd̄ valent̄ xx. s. et non amplius et que omnia et singula huc ꝑ præd̄ M. allat' et eadē M. hic infra iurisdict' huius manerij illa wauiauit reliquit et aufugit per quod omnia bona et catalla præd̄ peruenerūt domiñ istius manerij super pd̄ præcept̄ fuit balliuo seisire in manus dom̄ tāquā escaet̄ et domino forisfact. et sic fecit et bona et catalla p̄d̄ fuer̄ deliberat̄ domiñ in ista cur̄.

*Communis finis.*

Item dic' quod dant domiñ de certo pro commune fine ad hunc diem ex antiqua consuet̄ 6. s. 8. d.

*Defalt' decenar'.*

Item present̄ super eorum sacrament' quod I.R.R.W. et I. W. sunt resiantes infra p̄cinct' vis. Franc. Pleg. predict̄. Et ad hunc diem fecer̄ defalt̄, ideo quilibet eorū in mīa prout patet super eorum capit̄.

Non

*Non iur' in decin'.*

Item preſent̄ quod R. W. 2. d. W. F. 2. d. R. B. 2. d. W. G. 2. d. inhabitaueř infr̄ p̄cinct̄ huius viſ. franc' pleg. p̄ ſpac' vnius anni et diei et amplius, et non iurantur dom̄. reg. p̄ legiancia ſua id. quilibet eorum in mīa prout patet ſuper eorum capit̄.

*Nocument' aquæ.*

Item præſent̄ qd R.C. de I. præd̄ yeoman, divertit cóem curſum cuiuſdam Rivole duceñ p dom̄ cuiuſd̄ T. H. extr̄ rect' curſ. quo ſolebat curreř, Ideo prec' eſt ei dimittere rivol' ill' currere in ſuo recto et priſtino curſu citra feſtum &c. ſub pena &c.

*Nocument' frondes.*

Item præſent̄ quod eſt quæd̄ ſepes de magna creſſitudine et q̄ frondes inde pendent vltra venellam voc' Kings lane ad nocumēt̄ carriag' vltra eandē vellā carriand̄ in defect̄ W. C. ideo præc' eſt ei ſuccindere ſiue amputař ſepes ill' cir feſt' &c.

*Nocument' guttura.*

Item preſent̄ quod eſt quedā guttura ducēs a domo ſuo coquina T. I. per quā ſordida ſiue aqua fetoſa dict. coquina eſt conduct. in regiā viā ad graue nocument̄ regiæ vię et omniū carriag. vltra eandē carriand̄ p̄ popul' dom̄

regis, ideo p̄c' est ei amouere siue obstupare ill' citra fest' &c. sub pœna &c.

*Communis via.*

Item presentt quod communis via ducēs per campū voc' le Prebends field, est cōis via adducend' et requitand', et sic vsa fuit a tempore cuius contrar̄ memoria hominis non existit, Et q̄ port' et pons existen' vltra vlteriorē pont' debent esse manutener̄ et custod' per terr̄ ten', et modo non sunt, ideo præc' est terr̄ tenen' eand' portā et pontem emendare et reficere ante festum &c. sub pœna &c.

*Nocument' Sterquilinii.*

Item præsentt quod R.W. erexit quoddam Sterquilin' aduersus domum suam prope regiam viam ad nocument' popul' dom̄ reg. ideo præc' est ei amouere et abscariare ill' citra fest. &c. sub pœna &c.

*Nocument' fossat.*

Item presentt' quod est quodd' fossat' inscurat' et immundat' in defect' R.S. ad nocumentt &c. ideo ipse in misericordia 12 d. Et præcept est ei escuer̄ siue inundare ill' citra fest' &c. sub pœna &c.

*Hospitatrix meritricium.*

Item præsentt q̄d A.B. vidua est cōmis hospitatrix et receptrix meritriciū et mulier̄ malæ famæ

fame et conuerſationis ad graue nocumẽt vicinorum ſuorum, ideo amerciatur 2.s.

*Obiurgatrix.*

Item preſentẽ quod N.C. vidua eſt cõmis obiurgatrix cũ vicinis ſuis et cõmis fractrix ſepiũ et cuſtodit quend̃ W.C. filium ſuum in domo ſua, Et ipſe non eſt de bona fama ſiue gubernationis, ideo ipſe in miſericordia prout patet ſuper &c.

*Treſpaſſe.*

Item præſent' q̃d quidã A.B. ſeruiens W.C. ball' dom̃ vt fuit deducẽs cert̃ catall' cui uſd̃ R. G. vſque ad parcum dom̃ ibidem imparcare, venit quidã D.P. cũ violenc' magna in parcũ præd̃ cum vno gladio valor̃ 5.s. et adtunc et ibm̃ p̃d̃ A.B. pcuſſit cũ eod̃ gladio ſup caput eius, et effudit ſanguiñ ſup eundẽ A.B. occaſione cuius pcuſſionis p̃d̃ B. cecidit ad terr̃ quaſi mortuus eſſet, Ideo p̃d̃ D.P. in mĩa, et affer̃ per capital' pleg' ad 5.s.

*Treſpas & verberatio.*

Item præſent' quod I. S. fecit affraiam infra iuriſdicton' huius cur̃, et traxit ſanguinẽ, Ideo ipſe in mĩa 6.s.8.d.

*Defalt' de Conſtabl'.*

Item præſentẽ q̃d W.G. eſt Conſtabular̃, et non eſt hic ad viſ. franc' pleg' ad preſentãd̃ id quod

quod ad officium illud ꝑtinet ſed fecit defalt̄, Ideo ipſe in mīa 3. s. 4. d.

*Common appretiatores.*

Item preſent̄ qđ R.B. et W.G. ſunt cōmunes appreciatores, et debent eſſe hic ad ꝑſentand̄ id q̄ ad offic' illud ꝑtinet et fecer̄ defalt̄, ideo ipſi in mīa 3. s. 4. d.

*Scrutores vitul' defal'.*

Item preſent̄ q̄đ R.B. et C.D. ſunt ſcrutator̄ victual' et eſſent hic ad viſ. franc' pleg' ad preſentand̄ id q̄ ad offic' illud ꝑtinet et fecer̄ defalt̄, ideo vterque eorū in mīa 2. s.

*Eſcorates vicorum defalt'.*

Item preſent̄ quod T.I. et W. I. ſunt eſcoratores vicorū, et debent eſſe hic ad viſ. franc' pleg. et fecer̄ defalt', ideo vterque eorum in miſericordia 6. d.

*Extrahura.*

Item ꝑſent̄ ſup eorū ſacr̄m, q̄ xx. die Maij, añ regn̄ &c. veniebat infra dominiū iſtud, vnus equus color̄ gray de extrahura et remanit in cuſtod̄ X.D. ad proclamand̄.

Item preſent̄, q̄đ eſt vnus Pullus color̄ bey, ætatis quatuor añ ſiue plus qui veniebat infra dominium iſtud extrahura 9. die Septembris, anno regni &c. præcij 24 s. et remanſit in cuſtod̄ balliui per ſpaciū vnius anni et vnius di-

ei

ei poſt tres proclam̃ per tres ſeuerales dies fact̃ ſecundũ formam ſtatuti, ideo proprietas eiuſdem Pulli eſt in dño.

*Piſtor in miſericordia.*

Item preſent̃ q̃d W.M.12.d. et R.B.12.d. ſunt cões piſtores humani panis et per diuerſas vices pinſuerunt panẽ inſalubrẽ, et fregẽ aſſ. ideo vterque eorum in mĩa prout patet ſuper eorum capit̃.

*Brachiat' in miſericordia.*

Item preſent̃ quod R.W.12.d. et I.D.12. d. ſunt cões bracietores ceruiciæ, et braciauer̃ per diuerſos vices ceruiciam inſalubrẽ, et fregẽ aſſ. ideo quilibet eorum in miſericordia prout patet ſuper eorum capit̃.

*Tripulator' in miſericordia.*

Item preſent̃, quod E.W.12.d. et W.X.12. d. per eorũ vxor̃ ſunt cões tipulator̃ ceruic', et per illicitas menſuras vendiderunt ceruiciã, et fregẽ aſſ. ideo vterque eorum in mĩa prout patet ſuper eorum capit̃.

*Pœna ponit'.*

Inprimis ordinat̃ eſt, q̃ R.B. faciat et eſcorat foſſat̃ ſuũ apud inferiorẽ finẽ de great hill field contiñ p eſtimat̃ xx. particat̃ citra feſt' Natiuit' ſanct̃i Io. Bapt. prox' futur̃ ſub pœna pro quolibet particat̃ inde 8. d.

*Pœne*

*Pœna.*

Item ordinat̃ eſt, q̃d. T.M. reformat et exponat quand̃ parcell' terræ nuper per illum incrochiat̃ inter waſh lane et Pickham common, ante feſtum omnium ſanct' p̃x'futur̃ ſub pœna, quolib. particat non reformat̃ atque expoſit̃ 20.d.

*Pœna.*

Item ordinat̃ eſt, quod nullus p̃mitt̃ averia ſua. viz. boues vel vaccas ſuas trãſire et paſcere ſuper communiam huius domini, ſed in venellis eidem manerio pertin' abſque cuſtod̃ ſub pœn' forisfact' dom̃ per quemlibet eorum p̃ quolibet tempore 2.d.

*Pœna.*

Item ordinat̃ eſt, quod W. I. amoueat Sterquiliniũ ſuum iacen̄ per regiam viam aduerſus domum ſuam ante feſt' Paſch. prox. ſub pœna forisfact' decem ſolid' domiñ huius manerij.

*Pœna.*

Item ordinat̃ eſt, q̃d I. F. fac' et manuteneat pontem in clau. ſuo voc' great Colmans, in via ducen' at Alton vſque W. ſub pœna forisfacien̄d̃ dom̃ x.s.

*Pœna.*

Item ordinat̃ eſt, quod quilibet iugulat vel

anular

anulat porcos ſuos, ante feſtum ſancti Michaelis Archangeli ꝓxim̃ & eoſd̃ ſeruaret ſic iugulat ſiue anulat vſque ad feſtum ſ̃act̃ Iohañ Baptiſt. tunc ꝓx' ſequen̄. ſub pœna forisfact' domino pro quolibet porco pro qualibet ſeptimana tres ſolid̃ & quart̃ denar̃.

Then there reſts no more to be done at a Leete or a Law day, but to miniſter to euery officer his particular oath, and firſt the Maiors oath, if there be one there, and that muſt be thus:

The Maiors Oath.

YOu ſhall ſweare that you well and truely ſhall ſerue our ſoueraign Lord the King, and his liege people in the Office of a Maior, and as Maior of this towne and borough of P. for and during the ſpace of one whole yeere now next inſuing, and you ſhall miniſter equall iuſtice as well to the poore as to the rich, to the beſt of your cunning, wit, and power, and yee ſhall diligently procure ſuch things to be done, as may honeſtly and iuſtly be to the profit and commoditie of the corporation of this towne, and alſo endeuour your ſelfe to the vttermoſt of your power to ſee all Hereſies, Treaſons, Felonies, and all other Treſpaſſes, Miſdemeanors, and Offences whatſoeuer to bee committed within this towne and borough, during the time of your office

office, to be repressed, reformed, and amended, and the offenders duly punished according to the law. And finally you shall support, vphold, and maintaine the Common wealth within this towne, prescribed customes, rights, liberties, iurisdictions, franchises compositions and all lawfull ordinances of this towne and borough, and as concerning all other things appertaining to your office, you shall therein faithfully and vprightly behaue your selfe for the most quietnes, benefit, worship, honestie, and credit of this towne, & of the inhabitants thereof, so helpe you God, and the holy contents of that booke.

His Oath for the supremacie by the statute of 1. Eliz. et 1. Iac. Regis.

I A. B. doe here testifie and declare in my conscience, that the Kings highnesse is the onely Supreme gouernour of this Realme, and of all other his highnesse Dominions and Countries, as well in all Spirituall or Ecclesiasticall things or causes, as Temporall: and that no forreine prince, person, prelate, state, or potentate, hath or ought to haue any iurisdiction, power, superiority, preheminence or authoritie ecclesiasticall or spirituall within this Realme. And therefore I doe vtterly renounce and forsake all forreine iurisdictions, powers, superiorities, and authorities whatsoeuer, and doe promise that from henceforth

I shall

I shall beare faith and true allegeance to the Kings highnesse, his heires and lawfull successors, and to my power will assist and defend all iurisdictions, priviledges, preheminences and authorities granted or belonging to the Kings highnesse, his heires, or successors, or united and annexed to the imperiall Crowne of this realme, so helpe me God, and the contents of that booke.

## The Oath of the Recorder.

YOu shall sweare that you well and truely serue our soueraign Lord the King, and the maior, aldermen, and burgesses of this towne and borough of P. in the office of Recorder, and as the Recorder of this towne and borough of P. yee shalbe faithfull and iust, and giue good aduise and counsell vnto the maior, aldermen, and burgesses of this towne, for and concerning any matter or cause that shall concerne or touch the franchises, liberties, and good orders of this Town, whensoeuer they shall require or desire you so to doe, you shall not vtter or disclose any of their secrets or counsell, touching the Fellowship or Corporation of this towne, whereby any preiudice, losse, or hinderance, or slander, shall or may arise, grow, or be to the same corporation: and further yee shall doe to your power, wit, and cunning, all and euery thing that shall appertaine to your office for the most benefit,

worship,

worship, and credit of this towne, and of the inhabitants thereof, So help ye God and the contents of this booke.

He must also take the Oath appointed by statute for the Maior for the Supremacie.

## The Oath of the Towne-Clerke or Steward.

YOu shall sweare that you well and truely shall serue the Maior, Aldermen, and Burgesses of this Towne, in the Office of Steward and Towne Clerke of this Town and Borrough of P. and truely to see all Plaints, Actions, Proces, and matters in the Courts to be holden before the Maior, Aldermen and Burgesses of this Towne, and by you or your sufficient Deputie, according to the Custome and Liberties of this Town, to be entred and recorded as they ought to bee, after the best of your cunning, wit, or power, taking for the same your due fees, and the perquisits, issues, profits, and amerciaments of the same Courts, you shall iustly and truely write and extract peerely, for the leuying and gathering thereof, and you shall truly and diligently doe and accomplish all other things appertaining to your said office after the best of your knowledge, as neer as God shall giue you grace, So help you God and the contents of this booke.

He must also take the Oath appointed by the statutes for the Supremacie.

## The Oath of the Coroner, if there be any.

YOu shall sweare, that you well and truely shall serve our soveraigne lord the king, and his liege people in the office of a Coroner, as Coroner of this towne and borough of P. and yee shall diligently and truely doe and accomplish all and every thing and things appertaining to your Office, after the best of your cunning, wit, and power, for the most quietnesse, profit, ease, and credit of this towne, and the inhabitants thereof, taking such fees as you ought to take by the lawes and statutes of this realme, so helpe yee God, and the contents of this booke.

He must also take the Oath aforesaid for the Supremacie.

## The Oath of the Receivers.

YOu shall sweare that you well and truely shall serve the Maior, Aldermen, and Burgesses of this Towne of P. in the Office of Receivership, and as Receivers of the same Towne for and during the space of one whole yeare now next insuing, and yee shall reasonably and honestly procure the profit of the Corporation of this Towne, in those things which touch your Office: and yee shall also

well and truely collect, lovie, and gather all and all manner Rents, Revenues, Casualties, Duties, and Profits belonging unto the said Office, and the same shall truely pay and deliver, and true declaration and accompt thereof make at the time appointed for payment and accompt thereof to be made, without concealment: and further, you shall diligently give attendance to the Maior of this Towne and Corporation according to ancient custome, and every other thing belonging to your office you shall well and truely doe and accomplish to the best of your skill or power. So helpe yee God, and the contents of this booke.

## The Oath of the Chamberlaine and generall Receiver.

YOu shall sweare that you well and truely shall serve the Maior, Aldermen, and Burgesses of this towne and borough of P. in the office of Chamberlaine or generall receiver of this town, and therein shall you do right to all manner of people both poore and rich in those things which touch your office, the receit of the money due or belonging to the Maior, Aldermen & Burgesses of this town and corporation, you shall truely and safely keepe, & have alwaies in a readines to the vse & behoof of the corporation of this town whensoever occasion shall serve, and not waste or dispend the same,

but

but make true declaration and account thereof, when you shall be thereunto required without concealment, according to the credit and trust to you committed in this behalf. So God you helpe, &c.

## The Oath of a Burgesse.

YOu shall sweare that you well and truely shall serve our soveraigne Lord the King, his heires and lawfull successors, and the Inhabitants of this Towne and Borough of P. as one of the Burgesses of this Towne, and shall minister equall justice to poore and rich after the best of your cunning, wit, and power, and also shall well and truly observe, performe, fulfill, and keep all such good orders, rules, and compositions, as are or shall bee made, ordred, or established by the Common-Councell of this Towne, for the good government therof in all things to you appertaining, and you shall not utter or disclose any counsell or secret thing or matter touching the Fellowship or corporation of this Towne, whereby any prejudice, losse, hinderance, or slander shall or may arise, grow, or be to the same Corporation, but you shall in all things belonging to the fellowship and Corporation of this Towne, faithfully, honestly, and indifferently behave your selfe, for the most benefit, worship, and honestie of this Towne, and the Inhabitants thereof: So God you helpe, &c.

The like Oath is to be ministred to an Alderman, mutatis mutandis.

## The Oath of the Constables.

YOu and either of you shall sweare, that you well and truely shall serve the Kings Majestie, and the Maior, Aldermen, and Burgesses of this Town and Borough of P. in the office of Constableship, and as Constables of this Towne, for and during the space of one whole yeare now next insuing, you shall endeavour your selves to the uttermost of your powers, to see the Kings Majesties peace to be kept, and watch and ward observed and kept in this town, as hath beene accustomed, and as it ought to be: likewise you shall indevour your selves to learne and understand the contents of the statute of Winchest. and divers other lawes and statutes of this realme, made for the punishment of rogues, vagabonds, and sturdy beggers, haunting and resorting within the precinct of your office, and punish the offenders accordingly. Also you shall punish all such persons as do or shall play at any unlawfull games, according to the stat. in that case made and provided. You shall also have regard for the maintenance of Artillerie within your said office, and that you shall doe and accomplish to the uttermost of your powers. So helpe you God, &c.

The

## The Oath of the Serjeants.

YOu and either of you shall sweare, that you well and truely shall serve the Maior, Aldermen, and Burgesses of this towne, in the office of a Serjeantship, and as Serjeants of this towne, for and during the space of one whole yeere now next comming: and you shall well and truly serve, doe, and execute all and all manner precepts, warrants, and commandments to you and either of you to be lawfully given & directed, touching or concerning any matter, cause, or proces, to be moved, had, or depending in the K. Majesties court, to be holden within this towne, according to the liberties thereof, or at large, and shall make due returnes and answers thereunto, and make Certificate thereof, according to the effect of such Precepts, Warrants, and commandements, taking therefore your ordinarie fees, and none other: And also you shall diligently give attendance unto Master Maior, & waite on him, as hath been accustomed, and as you ought to doe, and his commandements and messages truly to doe and say, and not alter the same, so that it may be prejudiciall or hurtfull unto the said Master Maior or any other: and likewise you shall give attendance and be aiding and assisting unto the Constables of this towne, in any thing that they or either of them shall reasonably and lawfully command

or will you to doe: and you shall diligently and truely doe all other things appertaining to your said office, to the uttermost of your power. So helpe you God, and the contents of this Booke.

## The Oath of a Free-man.

YOu shall sweare that you shall bee true liege man, and true faith and truth beare to our soveraigne Lord the King, his heires, and lawfull successors, and to your power shall aide and assist the Maior and other officers of this towne for the time being, and to them shall be obedient and attendant concerning such things as they or any of them shall lawfully and reasonably will or command you to doe: you shall also well and truely observe, performe, fulfill, and keepe all such orders and rules as are and shall be made and established by the Common Counsell of this towne, for the good government thereof, in all things to you appertaining: you shall also give, yeeld, and be contributary to and with the Corporation of this towne, so far forth as you ought or shall bee chargeable to doe, and you shall not by colour of your freedome beare out, or cover under you any forreine person or stranger, but according to the best of your skill, wit, cunning and power, you shall uphold and maintaine all the Liberties, Franchises, good customes, orders, & usages of this towne

and

and corporation. So helpe you God, &c.

## The Oath of the Tithing-man or pettie Constable.

THe Oath of the Tythingman or pettie Constable is in all points as the Oath of the Constable mutatis mutandis, saving further that the Tything man must be sworne to be attendant on the Constable when hee shall execute his office, being thereunto required.

## The Oath of an Ale-taster.

YOu shall sweare that you shall well and truely serve the Kings Majestie, and the Lord of this Leet in the office of the Ale-taster, or Assisor of this Liberty & Hundred for this yeare to come: you shall duely and truly see from time to time that the bread brought to be sold be truly weighed, and that the same do containe such weight, according to the prices of wheate, as by the statute in that behalfe is provided: likewise you shall have diligent care during the time of your being in office, to all the Brewers and Tiplers within your office, that they and every of them doe make good and wholesome Ale and Beere for mans body, and that the same be not sold before it be assayed by you, and then to bee sold agreeable to the prices limited and appointed by the K. Justices of Peace, and all faults committed or done by the bakers, brewers, or tiplers, or

by any of them, you shall make knowne, and present the same at this Court, whereby due punishment may be inflicted upon them for their offences accordingly, and in every other thing you shall well and truly behave your self in the said office for this yeare to come. So helpe you God, &c.

## The Oath of fealtie to a Freeholder.

YOu shall sweare by the contents of that booke, that you will be true and faithfull to the Lord of this Mannor, and shall from henceforth beare, doe, and pay to your said Lord, and to his heires, at termes assigned all such Rents, Customes, and Services as you ought to pay and do for all such lands and tenements as you claime to hold of him. So helpe you God, &c.

## The Oath of the Yongling.

THis heare you the Steward and the Court that I shall sweare, that I will be true liege man, and true faith and troth beare to our soveraigne Lord the King that now is and to his highnes heires and lawfull successors Kings or Queens of this Realm of England, and other his dominions depending on the same: And I shall with all my power, wit, and endevour, defend and maintaine his Highnesse right and title of this realme and dominions against all forreine Princes and forrein

Poten-

Potentates, and ſhall no felonie nor treaſon commit, nor thereunto aſſent, but as ſoone as any treaſon ſhall come to my knowledge, I ſhall make the ſame to be knowne to the Kings highneſſe, his heires, and ſucceſſors, or to his highneſſe moſt honourable priviе Counſell, or to ſuch as have or ſhall have rule and government over his Highneſſe Subjects (which commonly are the Juſtices of Peace) within foure and twenty houres next and immediately after it ſhall come to my knowledge, and ſhall be obedient to all the K. maieſties lawes, precepts, and proces proceeding from the ſame, and in all things I ſhall well and truly behave my ſelfe, like a true and faithfull ſubject during the terme of my naturall life. So God me helpe, &c.

## The Oath of a Deſnier.

YOu ſhall ſweare that you I. S. from this day during your life, ſhall be faithfull and loyall to our ſoveraigne Lord the King and to his heires, and true faith and loyaltie you ſhall beare of life, member and terrene honour, and you ſhall heare of no hurt or damage that may befall them, but you ſhall diſcloſe it, and to the uttermoſt of your power you ſhall defend them. So God you helpe, &c.

The

## The Oath of the Heyward.

YOu shall sweare, that you shall well and truely serve the Kings Majestie, and the Lord of this Leet in the office of a Heyward for this yeere to come: you shall duely and truly execute all such Attachements and other Process as shall bee directed unto you from this Court: & you shal from time to time signifie and present all such Pound breaches as shall happen to bee made within your Office. And likewise you shall present all such cattell estraied, as shall usually come within your Office, and in every other thing wel and truly behave your selfe during the time aforesaid: So God you helpe, &c.

## The Oath of the Affiers.

YOu and either of you shall sweare by the holy contents of this book. That you will truly and indifferently tare, assesse, and affier all such Amerciaments as are presented at this Court: wherein you shall spare no man for love, favour, affection, or corruption, nor raise or inhaunce upon any man (of malice) more grievous Amerciaments than shall be thought reasonable, according to the quality of the offence, and the faults committed, and not otherwise: So helpe you God, &c.

Then must the Steward command all men to stand by, & the two Affiers to stand as neer him

him as they can, and hee must read unto them every presentment that ought to be affied, and so that they may rate them accordingly untill them have done, and then discharge the Court thus:

## Conclusion.

The Bailife must make an Oyes, and say after the Steward thus: If any man have any more to do at this Court, let him come in, and he shal be heard: or else every man may depart for this time in Gods peace & the Kings, and keepe your day here according to custome, if it be a Customarie Leet, otherwise it must bee upon a new warning. And so God save the King, and the Lord of this Leet or Lawday, and make us all his servants. Amen.

Now I will shew you how Mannors took their beginning, and within what Mannors a Court Baron shall or may be kept, and within what Mannors they may not, as followeth:

Perkins fol. 127. saith, That the beginning of Mannors was, when the K. gave a thousand Acres of Land, or more or lesse, to a man and his Heires, to hold of him and his Heires for ever. And before the statute of Quia emptores terrarum, A man seised of Land, infeoffed another of ten Acres, another of twelve Acres, a third of twenty Acres, to be holden of himselfe, and the Tenants to doe him service, and pay

him

him a quit rent, and so by this meanes by continuance of time out of the memorie of man, such donor or feoffor had a Mannor.

Also, 33.H.8. tit Comprise, A man at this day cannot make a Manor: For although that a gift in taile bee made to divers to hold of the donor by services or suit of Court, although this be a tenure, yet it cannot make a Court, for it cannot be without prescription.

Also if a man have a Manor, and all his free suiters but one do commit felonie, or die without heires generall or speciall, whereby their land escheates, or if the Lord purchase their lands, the Manor is destroyed, for it cannot be a Manor without Suiters, there must be two at the least, as it appeareth by 35.H.8. tit. Tenures 102.m. And in 26.H.8.4. Two Copartners made partition of a Manor, so that either of them had parcel in demesne, and parcell in service, in this case either of them hath a Manor, and either of them may keep a court Baron, if either of them have two Suiters, otherwise not. But 12.H.4. 15. Partition is made of a Manor, so that one Copartener hath the demeans, and the other the services, suit of Court in this case is suspended, and so long as the Manor continues so, there can be no Court kept. And 8.H.7.4. it is held, That a Court Baron is incident to a Manor, of common right, so that within every Manor there ought to be a court Baron, although there

be

be no ſuitters belonging to it, or although by partition the ſuit is ſuſpended, as is aforeſaid. And 34.H.6.53. But note, That divers are called Manors, where there are not free Suitters, but onely Copyholders, Ad voluntatem Domini ſecundum conſuetudinem Manerii, And yet thoſe ſeigniories are called Manors, and there are Court Barons kept to grant Copyhold eſtates, otherwiſe they cannot bee granted by Copie, but by Leaſe they may, and by that meanes a Manor will be utterly deſtroyed.

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The

# The manner and forme how to keepe a Court Baron.

ff. CUr̄ Baron̄. I. F. & P. uxor̄ ejus ibid̄ ten̄ duodeciṁ die Octobris, anno regni domini nostri Jacobi, Dei gratia Angliæ, Scociæ, Franciæ, & Hiberniæ Regis, Fidei defensoris, &c. viz. Angliæ, Franciæ, et Hiberñ decimo quinto, et Scociæ quinquagesimo primo, per me I. W. Seneschal' ibidem.

Then command the Bailife to make an Oyes, and say after you thus, All manner of persons that have any thing to doe at this Court, draw neere and give your attendance, and if any man will be essoined or enter any plaints, let them come forth and they shall bee heard.

Then let the Bailife say after the Steward, Essoines and proffers of suit or plea three times for this Court, and if any will be essoined, let the essoine for suit of Court be entred thus.

*Esson'.* I. S. Esson̄ est' pro sect' Cur̄ per T. D.

And

And if any will enter any plaints, then let them enter their plaints thus.

W.K. queritur versus. I.H. de placito debiti vel transgres. vel captionis injuste detentionis averiorum suor, vel similia.

Then call the Freeholders, and so many as make default, present their names and marke them over the heads thus.

mia ij.d. mia ij.d.

Richardus W.Miles, & M.B. generos. sunt liber tenent hujus Cur et fecer defalt, Ideo vterque eorum in misericordia prout patet super eorum capit. *Lib. tenent.*

{Will. Kelsey / Ioh. Vallor. / Rob. Corse. / Ioh. Mathew.} Iur. {Ioh. Newman / Matheus Bull / Ioh. Hoult & / Thomas L.} Iur.

The Foremans Oath.

YOu shall sweare that you as Foreman of this Homage, with the rest of your fellowes, shall duely inquire, and true presentment make of all such Articles and things as shall be given you in charge, and therein you shall spare no man, for love, favour, or affection: nor present any man for malice, hatred, or envie, but according as things here presentable, shall or may come to your knowledge, by information, or otherwise, so shall you

you make thereof true presentment without concealement. So God you help, and the contents of this booke.

Then call the rest of the Homage, and sweare them by foure at a time, thus: The same Oath that W. Kelley your Foreman hath taken before you on this part, you and every one of you shall observe and keepe of your parts. So helpe you God, and the contents of this Booke.

Then let the bailife call them by name, and bid them stand neere and heare their charge.

## An Exhortation to the Jurie before the Charge.

SIrs, you that be sworne, before I enter into your Charge, I purpose by Gods assistance to deliver unto you the causes of your assemblie here together, which are two: one is, for that you hold lands of the Lord of this Manor, some as Freeholders, and some as Copiholders, and therefore by reason of your tenures you ought to appeare at this Court so often as it shall be kept, and here to doe your suit and service, or else to bee amerced: and the other cause of your comming hither, is to get knowledge by hearing of the lawes and customes of this Court dilated upon unto you, and hereby you may be the better taught, instructed, and enabled to know how to performe your duties in doing well

and

and eſchewing euill. And for that you ſhall the better conſider and inquire of, and preſent all things which are now here preſentable, I haue miniſtred vnto you a corporall Oath, which Oath ſtandeth vpon three parts (that is to ſay) vpon Truth, Iudgement, and Iuſtice: It ſtandeth vpon truth, for that you ought to preſent nothing but the Truth, and likewiſe not to omit any thing that is true and preſentable here vnpreſented; It ſtandeth vpon Iudgement, that you doe not preſent any thing raſhly or vnaduiſedly, but certainely to know the truth thereof before you doe preſent it; And it ſtandeth vpon Iuſtice, that you doe not for fauour, affection, corruption of money, or other reward, for feare of any mans diſpleaſure, or for any priuate gaine or profit, leaue any thing vnpreſented that is here preſentable, neither for malice to preſent any thing contrary to the truth. Theſe three principall things you ought duely to conſider of, and ſo hoping that you will haue a ſpeciall care thereof, according to your oathes and duties, and the truſt that is repoſed in you, I will ceaſe to trouble you any further at this time by way of exhortation, and proceed to your Charge.

## The Charge.

FIrſt, you ſhal enquire whether all ſuch perſons as owe ſuit and ſeruice to this court be

here to doe the same or no: and if any make default, you must present their names.

And I must tell you, If there be two Coparcenes, or two Joyntenants which do owe suit and service to this Court for any Lands which they hold of the Lord of this Manor, the one of them ought to bee heere to doe the same suit, and the other ought to be contributer to his charge.

Also if any Tenant hauing twenty acres of Land, granteth or letteth the same to twentie seuerall persons, in this case euery one of those twentie ought to doe such suit and seruice as hath beene accustomed to be done for the same Land.

Also, you shall enquire if any Tenant bee dead since the last Court, or before, and his death as yet not presented, then you shall enquire what Land he held of the Lord of this Manor, and by what tenure or seruice he held the same, whether by Knights seruice, Socage tenure, or by Copie, and what benefit or aduantage is fallen to the Lord by his death, whether ward marriage, relefe, escheat, or anie other profit, and who is his next Heyre, and of what age hee is, and in whose custody hee is: For if any Tenant which holds by Knights seruice die, and his heire male vnder the age of 21. yeeres, and not married, then the Lord shall haue the wardship & marriage of such heire male: but if it bee a female and

vnder

vnder the age of 14. yeeres, and not married, then the Lord shall haue likewise the wardship and marriage of such heire female: and if the heire male be 21. yeeres at the death of his ancestor: or the heire female 14. yeeres, then the Lord shall haue onely a relefe, which is, if they held by a whole knights fee, C.s. if by the moitie of a knights fee, L.s. and so as according to the rate of their tenure.

Also if any Tenant which held by Socage tenure be dead, his heire being vnder the age of 14. yeeres, the Lord ought to haue the value of his land for one yeer for a relefe, which is due immediately after the death of the Tenant: and the next of kin to the heire to whom the inheritance cannot descend, ought to haue the wardship of such heire.

Also if any customary Tenant or copyholder, hold two pareels of land by herriot service, and by seuerall copies, if such tenant dye thereof seised, the Lord ought to haue two herriots.

Also you shall inquire whether any of the Lords tenants be dead without heire generall or speciall, if there be any such then the Lord ought to haue his land by Escheat.

Also if any Bastard hath purchased any land within this Lordship, and is dead without issue of his body lawfully begotten, then the Lord ought to haue his land by Escheat.

Also if any Freeholder of this Manor hath

committed felonie, and thereof hath been attainted, that is, either hath confessed the felonie, or hath bin convict by verdict of xij. men, or fled, and thereupon outlawed for the felonie, in this case the king must haue annum, diem, & vastum in his land, and after it ought to come to the Lord by Escheat.

Also if any Copyholder hath committed felonie, & thereof hath bin attainted as is aforesaid, then the Lord may enter into his Copihold for a forfeiture.

Also if any Copyholder hath leased his Copihold for any longer time than a yeere and a day without the Lords licence, it is a forfeiture of his Copihold, vnlesse hee may doe it by the Custome.

Also if any Copyholder deny to pay his rent, or denie to come to his Lords Court, or deny to be sworne of the homage, or deny to go with his lord to suppresse rebels, euery one of these denials is a forfeiture of his copihold.

Also if any copyholder hath sold any of his copihold land by deed, and made liuerie of seisin thereof according to the deed, it is a forfeiture of so much as he hath so sold.

Also if any Copyholder hath cut downe any Timber trees within his copihold without licence, or lopped any Timber trees there at an vnseasonable time of the yeere, by reason whereof they die, either of both is a forfeiture of his copihold.

Also

Also if any Copiholder suffer his Copyhold tenement to decay & fall downe for lacke of reparations, it is a forfeiture of his Copihold.

Also a Copiholder bee a Recusant, if his Lord also be not a Recusant, he ought to forfeit his Copihold estate according to the statute law made anñ 35. El.

Also if any Copiholder haue surrendred his copihold tenement into the hands of two of the tenants since the last court to the vse of any person, euery such surrender ought to be presented at this Court, or else the tenants which tooke such surrender, ought to forfeit their Copiholds, because it may be thought if they doe not present it, that they go about not onely to defeat the Lord of his fine, but also to disinherit the partie to whose vse the same surrender was taken.

Also if any Copiholder hauing two Copiholds, hath impaired the one to amend the other, this is a forfeiture of the Copihold that is impaired.

Also if any Villeine or Bondman of blood, hath purchased any Land within his Lordship, the Lord may seise both it and such villeines goods at his pleasure.

Also you shall inquire whether any Tenant of this manor hath giuen any of his lands in mortmaine, That is to say, to any religious house, religious person, and their successors,

or to any Guild, Fraternitie, or corporation, and their successors, without the Kings licence, and the Lords of this Manor, for it is here inquirable and presentable, to the end that the Lord if there be any such grant made, may make his claime within the yeer and the day, according to the statute in that case made and provided.

Also if any Tenant hath sold his land by deed, and hath not given notice thereof to the Lord, nor he which bought it hath not done his fealtie to the Lord, or suit of court, so that by reason thereof the Lord doth not know who is his tenant, therefore you ought to present it: for it is very needfull and necessarie, that the lord should know who is his Tenant, by reason of his services and eschcates which may grow due unto him.

Also if any Tenant within this Lordship hath suffered any house of husbandrie to decay by taking of the land from it to lay it to another, in this case the Lord ought to have the moitie of the profits thereof to his owne use, untill it be made and maintained a Husbandrie againe, and this you ought to inquire of for the Lords benefit.

Also if any Tenant hath inclosed any land which hath beene accustomed to lie open without the Lords licence and the Freeholders, you must present it, for he cannot justifie the doing thereof.

Also

Also you shall inquire whether any of the Lords lands within this Manor be withholden from him, and held and occupied without his licence, if there bee any such thing, then you must inquire by whom it is withholden, and what land it is, and what it is worth by the yeere, and how long it hath beene withholden, that the Lord may recouer his damage for the withholding thereof accordingly.

Also you shall inquire whether there bee any rent, custome, or seruice, behind and vnpayed to the Lord of this Manor, by whom it is due, and what rent, custome or seruice it is, how long it hath been withholden, & where the land lyeth, that the Lord may distraine for the arrerages thereof.

Also you shall inquire if any bailife or other officer of this Manor, hath made any arrest for any rent, custome, or seruice, due to the Lord of this Manor, and rescouse therein hath bin made, you ought then to present him or them which made the rescouse, and where and when it was done.

Also if any distresse hath bin taken and put into the lords pound, and hath been taken out from thence without leaue or authority of the law, then such taking is a pound-breach, and here inquirable and presentable.

Also if any tenant doth surcharge the common by putting more cattell there then by the custome hee ought to haue goe there, or by put-

ting of cattell there not commonable, as pigs, goats, and geese, and such like, you must present them.

Also if any Tenant of this Manor, having two Farmes, one in this Manor, and another in another Manor, doth vse in the Summer time or open time of the yeere, when Corne and Hay is housed, to bring cattell from his other farme vnto his farme within this Manor, which haue beene vsually kept at his other farme out of this Manor, this is called chasing and rechasing, and here inquirable and punishable, vnlesse these cattell be kept within his own seuerall grounds, and not in the common fields.

Also if any man hath remoued any bounds or markes, meere stones or stakes, betweene this Lordship and any other, or between tenant & tenant, you must present their names, for it is an euill office, and they deserue to bee punished for it.

Also if any man hath fished, hawked, or hunted within this Lordship, without the leaue or licence of the Lord of this Manor, you must present them, for they are the lords Realties, and therefore no man can lawfully come here to doe either one or the other without his leaue.

Also if any tenant by reason of his tenure ought to grinde at the Lords Mill, if he doe it not, you must present him.

Also

Also if you know any man that keepeth, detaineth, or withholdeth any of the Lords euidences of this manor, as court rolls, rentalls, or immuniments appertenant and belonging to the Lord of this manor, you must present them, for it is fit that the Lord should haue the custodie of this Euidence himselfe.

Also if there was any thing pained at the last court to bee done, and as yet is not done, you must enquire who haue made default therin, and present his, hers, or their names: And you shall likewise inquire of all other things which you shall thinke needfull to be inquired of, by me omitted, and not giuen you in charge, aswell as if I had giuen you it in charge, and so bring in your presentment in writing by one of the clock in the afternoone.

Then let the bailife make an Oyes, and adiorne the court till after dinner thus:

All manner of persons that haue any more to doe at this court, may depart for this time, and keepe their houre here at one of the clocke in the afternoone.

And then after dinner, call the Iurie for their presentments, and if they bee ready, take them, and sweare two Affiers to affier them, as before at the Leet.

This being done, let the Bailife make an Oyes, and discharge the court, thus, All manner of persons which haue any more to doe at this Court, let them come forth and they shall

be

be heard, or else they and euery one else may depart for this time, and keepe their day here vpon a new warning, and so God saue the King and the Lord of this Manor.

## Fealtie to be ministred to a customary tenant.

YOu shall sweare that you shall bee true Tenant, and faith and truth shall beare to the Lord of this manor, and to his heires, for all such customarie Lands & Tenements as you claime to hold of him, by vertue of your copie for terme of your life: you shall also well and truely beare, pay, & doe all such rents, customes, and seruices as are and shalbe from time to time to be payed and done for the said lands to your said Lord, and his heires: you shall also be iustified by your Lord and his officers, in euery thing as a customarie Tenant ought to be iustified: and you shall in euery other thing well and honestly behaue your selfe so long as you shall be Tenant. So helpe you God, and the contents of that Booke. And so let him kisse the Booke to affirme his Oath.

But this Oath must bee ministred before the Court be ended.

The

## The Oath of the Reeue or Bailife of a Manor.

YOu shall sweare that you shall well and truely serue the King and the Lord of this Manor for the yeere to come, in the office of the Reeue or Bailife of the same Manor: and you shall duly and truly gather all such rents, reuenues, or other yeerely profits as shall be extracted out vnto you, and thereof you shall make and yeeld vp a true account at the end of the said yeere, and in euery other thing you shall well and honestly behaue your selfe in the said office during the time aforesaid. So helpe you God and the contents of that Booke. This must also be done before the end of the Court.

And the presentments are to be put into Latin by the Steward of the Court thus, viz. next after the presentment of the freeholders, for their defaults, the copiholders thus:

*Defalt' de Copiholders.*

Item Iur̄ dicunt super eorum sacram̄ quod W.I.4.d.& I.R. 4.d. sunt tenentes per copiā Rotulorum cur̄ et debent sect' cur̄ et ad hunc diē fecer̄ defalt', Ideo vterq; eor̄ in mīa ꝓut patet super eorum capitibus.

*Obitus.*

Item present̄ quod W.N. qui de domino tenuit

tenuit libere vnum mesuagium et trigint̄ acr̄ prati et pastur̄ cū pertiñ infra dominiū istud per fidelitatē et sect' cur̄ et per reddit' per annum vj.d. obijt de tali statu sic inde seisit. Et q̄ R.I. est filius et proxim̄ hæres præd̄ W.I. Et est ætatis decem annorū, et ad hanc cur̄ venit præd̄ W. I. et soluit domino pro Releuio vj.d. et fecit fidelitatem.

*Alienation.*

Item dicūt super eorū sacram̄ q̄d̄ G.B. qui de domiñ tenuit, liber̄ vnum mesuag' vnū pomar̄ et sex acras prati cum ꝑtiñ per fact̄ suum Indētat' gereñ dat̄ sexto die I. anñ regni &c. dedit concessit barganizauit et vēdidit oīa et singula p̄miss. p̄d̄ cum suis ꝑtiñ R.K. de &c. habend̄ et tenēd̄ oīa et singula præmiss. p̄d̄ cum eorum ꝑtineñ pref. R. K. hæred̄ et assigñ suis de capitalibus dom̄ feodi illius per reddit' seruic' et cōs. inde prius debit̄ et de iure consuet̄ et præmiss. tenet de dño huius maner̄ per fidelit̄ et sect̄ cur̄ et ꝑ reddit' ꝑ añ xij d. Et ad hanc cur̄ dictus R.K. fecit domino fidelitatem.

*Legatio.*

Item dicunt super sacramentum suum quod W.A. qui de domino tenuit libere vnum mesuagiū siue tenemēt' et viginti acras terr̄ voc' H. per fidelitat̄ sect' cur̄ et per reddit̄ per annum vj. d. obijt inde seisit' et per vltimā volūtatē suam inscript̄ fact' gereñ Dat̄ xxviij. die

Sept̄

Septañ &c. legauit mesuagium siue tenẽ et præd̃ xx. acr̃ terr̃ quibusdã R. A. et T. A filijs suis per nomẽ omnium terr̃, tenement' et hæreditamẽt' suorũ scituat' iaceñ et existeñ in I. præd̃ habẽd̃ et tenend̃ p̃d̃ mes. siue tenẽ &c. et p̃d̃ xx. acr̃ terr̃ cum pertiñ eisdẽ R.A et T. A. hæred̃ et assigñ suis imperpetuũ ad propriũ opus et vsũ ipsor̃ R. et T. hered̃ et assigñ suor̃ imperpet̃, ideo præcept̃ est balliuo distringere præd̃ R.A. et T. A. scd̃m formã statuti in eodem casu prouis. ad soluend̃ reliueñ et etiam distring' ad fac' fidelitat̃.

*Super Surr'.*

Item dicunt super sacram̃ suum qd̃.R.R. tenẽs customarius huius manerij extra cur̃ sursum redd̃ in manus dñi per manus W.T. et R. W.duorũ customar̃ teneñ huius manerij scd̃m cõsuet̃ huius manerij totum illud mes. et xxx. acr̃ terr̃ prati pascue et pastur̃ cum pertinent̃ modo in tenar̃ siue occupac' R.B. ad opus et vsum præd̃. R. R. pro termin' vitæ suę natural̃ et post decessũ dicti. R.R. tũc ad opus et vsum T.B. et hęred̃ de corpor̃ dicti T. legit̃ ꝓcreat. Et pro defect' talis exit' de corpor̃ dict' T.B. legit' procreat' rem̃ inde I.I. filio R. de I.præd̃ geñ hæred̃ et assign' suis imperpetuũ et die ꝙ præd̃ R. obijt et nũc ad istam cur̃ præd̃ T. B. venit et petit admit' ad omnia et singula præmissa prædict', Et ad hãc cur̃ dom̃ per I. K. seneschallum suum cõcessit inde ei seisinam per virgam,

virgam, habend' et tenend' eidem T.B. et hæ' de corpor' suo legitime procreat', Et pro defect tal' exit' rem' inde ad opus et vsum dicti I.I. et hæred' suorũ imperpet'. Et p̃d' T.B. dedit dom̃ de fine quatnor libras, Et fecit dom̃ fidelitat' et admissus est inde tenens.

*Surr' per Seneschal' capt'.*

Ad hanc cur' testat' est per W.T. seneſc' W. N. in extremis iacens x.die A. anno regni &c. Sursum reddidit in manus dom̃ per man' eiusdem seneschal. absent' cur' in presentia R. C.R. P. et C.H. vnũ tent' voc' M. in quo modo habitat' W.G. cum omnibus terr' et tẽt' suis infra manent' de I. ad opus et vsum M. vxor' suæ pro termino vitæ suæ. Et post decessum ipsius M. remanere inde W.T. filio p̃d' W. patris et G. filię eiusdem W. patris, ac sorori præd' W. filij et hæred' suis sub conditione tamen sequent' quod si contingat aliquẽ prædict' W. filij et G. filiæ obire sine hæred' de corpore suo exeunt' quod tunc ipse vel iptam qui vel quę superuixerit habebit et gaudebit tenement' p̃d' sibi et hæred' suis imperpetuum. Et super hoc venit in istam cur' præd' M. et petit se admitti ad tẽt' præd' cum ptinen' cui dominus per I K. seneſc' suum cõcessit inde seisinam per virgam habẽd' sibi in forma p̃d' ad voluntat' dom̃ scd'm cõs. manerij et dat' dom̃ de fine pro ingres. suo inde habẽd' prout patet &c. & fecit dom̃ fidelit' et admiss. est inde tenens.

*Obit'*

*Obit' de Copiholder.*

Item ad hanc cur̄ compertum eſt per homagium quod quidā W.W. vnus filior' et hæred̄ R.W. deſūct̄ qui quidem W.W. tenuit de domino ſibi et hæred̄ ſuis ſcd̄m cōſ. huius manerī medietatem duorum meſuagiorū ſiue tenementī et vnius gardini cum pertineñ in I. et diu ante hanc cur̄ abijt inde ſeiſit infra ætatem x. annorum, et in cuſtodia eiuſdem R.M. ſecundum conſ. manerij, Et quod S.W. eſt frater et ſolus hæres præd̄. W.W. et plene ætatis qui præſēs eſt hic in cur̄, et petit ſe admitti tenent̄ ad omnia terr̄ et tenemēt cuſtomar̄ de quibus ipſe p̄d̄ W.W. obijt ſeiſit, viz. ad prædict̄ medietī duorum meſuagiorū ſiue tenement̄ tofti et gardini cum pertinent̄ infra manerium iſtud cui dominus per I.K. ſeneſch. ſuum conceſſit inde ei ſeiſin' habend̄ et tenend̄ ſibi et hæredibus ſuis de dom̄ per virgam ad voluntatē domin' ſecundū conſ. manerij præd̄ per reddit̄ conſ. et ſeruic' inde prius debit̄ et conſuet̄, Et dat̄ domino de fine et ingreſſ. ſuo ꝓut patet in capite, Et fecit domino fidelitat̄ et admiſſus eſt inde tenens.

*Surr' in Cur'.*

Item ad hanc cur̄ venit I.T. et ſurſū reddidit in manus domini decē acras terr̄ ſiue plus ſiue minus cum pertinen' vocat' S. quatuor acr̄ terræ ſiue plus ſiue minus vocat̄ K. et quatuor acras prati ſiue plus ſiue minus vocat' C. cuſtomar̄ ad opus et vſum R.B. generoſ. hæred̄ et

aſſignat̄

assignat' suorum imperpetuum per virgam ad voluntatem domini secundum consuetudinem manerii p̄d cui quidē R.B.domin' per seneschall' suum concessit inde ei seisin̄ habēd sibi et her̄ suis de domino per reddit x.s. per ann' et alia seruic' inde prius debit', Et dat̄ dom̄ de fine p̄ ingress. inde habend 4. li. Et fecit dom̄ fidelitatem. Et. admissus est inde tenens.

*Obitus de parcener.*

Item homagium dic' super scr̄m suum quod quidam R. S. qui de dom̄ tenuit vt parcenarius per consuetudin̄ maner̄ nouem acr̄ terr̄ customar̄ cū vna grāgia simul cū T. S. fratre suo sibi et her̄ suis obiit citra vltimam cur̄ sic seisit, Et quod quidā I.S. est filius et prox' hæres eiusdem R. quoad meditatem præd terr̄ et grangij p̄d, Et est ætatis octo annor̄. Et super hoc tā custod prædict I. quam terr̄ et grāgia p̄dict committ̄tur cuidā S. I. vt prob. amico suo &c. Et inuenit pleg' in cur̄ E.N. ad reddend præs. I. de proficuis inde cum ad ætatem quatuordecim annorum peruenerit.

*Encrochment.*

Itē dic' super sacr̄m suū q̄d R. W. incrochiauit super vast. dom' apud C. in lōgitudine x. virgatæ, et in latitudine vnę virgat, ideo ipse in mīa &c. E. ordinat̄ est quod exponat eandē ante festum sancti Io. Baptist. prox' sub pœna forisfact' dom̄ pro qualibet virgat 2.s.6.d.

*Reſcous*

*Rescous.*

Item dic' super sacram̄ suū, q̄d̄ G.B. Ball' domini tali die et an' &c. infra dominiū istud distringebat H.H. pro redditu dñi tunc per p̄d̄ H. aretro et non solutum, Et quod præd̄ H. adtunc et ibid̄ rescuss. fecit super eund̄ G.B. ideo ipse in mīa etc.

**The forme and manner of diuers grants and surrenders, aswell of Copiholders of inheritance, as also of Copiholds for liues, as followeth.**

*Broxhead.*

ss. AD cur̄ manerij ibid̄ tent̄ 14. die Febr̄ anno etc. venit N.R. et cepit extra manus domini vnum mesuagium et dim̄ place siue virgat̄ terr̄ cum suis pertinen̄ in B. nuper in tenura I.A. habend̄ sibi et R.P. filio suo, et A. modo vxor̄ dicti N. pro termino vitæ eorum et alterius eorū diutius viuen̄ successiue scd̄m cons. manerij præd̄ per reddit̄ et seruic' inde prius inde debit̄ et de iure cōsuet̄, Et dat̄ dom̄ pro tali statu sic inde habend̄ 3. li. Et fecit domino fidelitat̄, Et admissus est inde tenens &c. Et fidelitat̄ prædict' R. et A. respectātur quousque.

*Per I.W. Senes. ibidem.*

*Forisfacto de Cop. & recapt'.*

AD hanc cur̄ etc. homagium præsent̄ q̄d̄ P. C. nuper relict' I.C. quæ de domino

tenuit durant viduitate sua secundum consuetudinem manerij vnum messuagium etc. cum pertinentijs in A. cepit in virum R.L. p quod forisfecit stat suus in prẽmissis, et sic rem in manibus domin', super quo proclam facta est, si quis etc. Et super hoc venit prædꝯ R.L. et cepit extra manus domini messuagium etc. cum suis petinent', habendꝯ sibi pro termino vitæ suæ secundum consuetudꝯ manẽr predict per reddit et seruic' inde pri' debit et de iur cons. Et dat domino de fine p tali statu sic inde habendꝯ 6. l. Et fecit dño fidelitat et admissus est inde tenens.

*Conceſſ. reuerſion'.*

AD Cur, etc. venit W.H. et cepit extr manus dñi reversionem vnius messuagij, etc. cum pertinen' in Y. modo in tenura I.H. vid' nuper vxor W.H. habendꝯ et tenend' reuersionem prædict præfat W. H. et B. filio suo pro ẽmino vit eor et alterius eorum diutius viuen' successiue scdm consuet manẽr prædꝯ cum per mortem sursum redditionem vel aliquã forisfactur per præfat I. aliqua modo fact siue ppetrat, ac ad manus dom accedẽr contigerit per reddit' et seruic' inde prius debit', et de iure cons. Et dat dom de fine pro tali reuersion' sic inde habendꝯ 7. l. Et fidelit respectuat quousq; etc.

*Obitus.*

*Obitus.*

IVr̄ præſent', quod I.C. qui de domino tenuit vnum tenement' cum ſuis pertin' in Y. in quo I. C. pater præd̄ I. nuper habitauit diem ſuum clauſit extemũ circa vlt̄ cuſ̄ vnde accidit dom̄ pro heriotẽ vnum bos præcij xl.s. et deliberat' ad vſum dom̄ huius manerij de quo proclam̄ fact̄ fuit in cuſ̄, ſi quis, etc. ſuper quam venit Anna relict' prædict' I. et clamat pręmiſſ. durant̄ viduitate ſua ſecundum conſuetudinem manerij per reddit̄ opera conſuetud̄ et ſeruic' inde prius debit̄ et conſue', etc.

*Surr' & recaptio.*

AD hanc Curiam venit C.W. qui de domino tenuit per copiam Rotuloſ̄ cuſ̄ dat̄ etc. vnum tenementum etc. cum pertinentijs in E. quondam in tenura R.C. Et ea omnia ſurſum reddidit in manus domini et totum ſtatum, titulum et intereſſe in pręmiſſis ea intentione, vt placeret domino nouum inde cõceſſum ſibi p̄fat' C. W. et alijs facere ſecundum conſuetudinem manerij prædict' ſuper quem ſurſum redditionẽ accidit dom̄ p̄ herriot' ex conuentione vigint' ſolidoſ̄, Et in eadẽ curia venit dictus C.W. et cepit extra manus domini dictum tenement̄ etc. cum ſuis p̄tin' habend̄ ſibi p̄fat̄ C.W.R. et I. W. filiis ſuis p̄ termino vitæ eorum et alterius eorum diutius viuent' ſucceſſiue ſecundum conſuetudinẽ

manerij prædict' redict' opera conſ. et ſernic' inde prius debit' et de iure conſ. Et pro huiuſmodi ſtatu et ingreſſ. ſic inde habend' præd' C. W. dat domiñ de fine 16. li. et fecit dom̃ fidelitat', et ſic prædict' C. W. admiſſus eſt ind' tenẽs, Et fidelit' prædict' R. et I. reſpectuatur quouſque etc.

*Conceſſ. de Copihold de inheritance per le viarge.*

AD hanc Cur̃ dñus conceſſit extra manus ſuas p̃ I. F. capital' Seneſc. ſuum T. D. et A. vx' eius vnum meſ. etc. cum oĩbus ſuis p̃tin' iacen' apud B. quibus dñus p̃ Seneſ. ſuum p̃d' conceſſit ſeiſinã habend' ſibi et hær̃ ſuis de domino p̃ virgam ad voluntatem domiñ ſecundum conſuetud' maner̃ p̃d', Et dant domino de feodo p̃ ingreſſ. inde habend' prout patet in capit', Et fecit dom̃ fidelitat', Et admiſſ. eſt inde tenus.

*Conceſſ. pro annuat' reddit'.*

AD hanc cur̃ dominus conceſſit p̃ I. F. ſeneſchal. ſuum T. B. et M. vxor̃ eius vnum meſuagium cum 6. acris terr̃ etc. cum p̃tinen' præfat' T. M. hæred' et aſsignat' ſuis ad volunt̃ domini ſecundum conſ. manerij reddend' inde annuatim dom̃ hæred' et ſucceſſoribus ſuis, If the Lord be a Biſhop, or a Deane, or ſuch like ſix ſhillings eight pence, p̃ oĩbus et ſing' ſeruitijs ad duos anni terminos, videlicet, ad

feſt.

feſt.ſancti Mich. Archangel' et Annũciatiõ Beatæ Mar̃ virgiñ equal' portionibus, Et dant dom̃ de fine etc. et feceř fidelit̃, Et admiſſ. ſũt inde tenentes.

*Curia en antient demeane.*

AD hanc cur̃ tenť ibid̃ tali die et anno A. C.filius et hæres I. C. venit et ſurſum reddidit in manus domini vnum meſuag. etc. in D.infra iuriſdictionem hui° cuř ad opus et vſũ T.H. hered̃ et aſsignat̃ ſuorum imperpetuum, virtute barganiæ ſiue partitionis int eos fact', Et ſuper hoc publica proclam̃ in eadem curia fact' fuit quod ſi quis aliquod ius ſeu titulum ad eundem meſuagium terř, etc. vel in aliqua eorum ꝑcell' pretendere voluit vel haberet veniret et audireť, et null' venit ad hanc cur̃ per quod ſecundum conſuetudinem maneř ꝑd' meſuag' teř, etc. remaneř in manus dñi vſque ad tertiam proclam̃ ſuper eiſdē factam, Et ſup hoc dies dat̃ eſt partibus ꝑdict̃ eſſendi ad ꝓx' cur̃ maneř ꝑd' ad audiend' inde iudicium ſuum ſup ꝑmiſſ.

Et ad hanc cur̃ tenť ibid' tali die et tali ann̄ tam prædict' A. B.quam præd' T.H. venerũt et ſuper hoc ſecunda proclam̃ fact̃ fuit ſuper præmiſſis, q̃d' ſi aliquis aliquod ius vel titul' ad ꝑd' meſuagium terř, &c. haberř, aut pretēderet veniret et audiretur, Et nullus venit, et ſuper hoc dies dat̃ eſt partibus ꝑd' eſſendi hic ad ꝓx' cur̃ maneř ꝑd' ad audiend' inde iudic'ſuũ ſup ꝑmiſſ.

Et ad hanc cur̄ ibid tent̄ tali die et ann̄ tam prædict̄ A.C. quam T.H. venerunt, Et super hoc tertia proclamatio fact' fuit super p̄miss. quod si aliquis aliquod ius vel titulum ad pręd̄ mesuag' terr̄ etc. vel in aliquo eorum parcell' haberet vel p̄tenderet, veniret vel audiretur, Et nullus adhuc venit, Et super hoc domin' ꝑ I.H. Seneschall' suum concessit seisinam de p̄d̄ miss. etc. cū eorū ꝑtin̄ p̄f. T.H. tenend̄ sibi hær̄ et assign̄ suis scd̄m cons. mann̄ p̄d̄. Et dat̄ dom̄ d̄ fine ꝓ ingress. etc. et fecit dom̄ fidelit̄ et admiss. est inde tenens.

*Alit' in antient demesne vbi vxor examinetur.*

AD Cur̄ tent̄ ibidem tali die et ann̄ T.B. de N. et E. vxor̄ eius in p̄sentia cur̄ sola examinatur et confessa, sursum reddider̄ in manus dn̄i vnum mes. et dimediat̄ bouat̄ terr̄ cum suis ꝑtin' in D. p̄d̄ voc' R. ad opus W.C. de O. vnde accidit dn̄o vnus equus de heriotto, Et suꝑ hoc ven' dict' W.C. et cepit de dn̄o dictum mes. etc. cum pertin' habend̄ et tenēd̄ sibi et A. vxori eius siue hær̄ et assign' ipsius W. imperpet̄ secund̄ consuet̄ maner̄ p̄d̄ ꝑ reddit' cons. et seruic' inde prius debit̄ et consuet', Et dent dn̄o de fine pro ingress. habend̄ in dictis in mesuag' et cæter̄ p̄miss. etc. Et dat̄ est eis seip̄ etc. et fecerunt fidelitat̄ et admissi sunt inde tenentes.

Surr'

*Surr' balliuo extra cur'.*

AD hanc curiã etc. Compertum eſt, quod T. C. extra cur̃ ſurſum reddidit in manus I.D. balliui in præſentia D.R. et aliorum tenentium domini huius maner̃ hoc teſtañ vnã acram terr̃ in R. quondam T.R. ad opus W.I. cui dominus inde conceſſit ſeiſiñ, tenend̃ ſibi et hæred̃ etc.

*A ſurrender vpon Condition.*

AD hanc curiam etc. venit I. C. et ſurſum reddidit in manus domiñ vnum cotagiũ iacent̃ etc. ad opus et vſum I.A. tenend̃ ſibi et hæredibus ſuis de domiñ ad voluntatem dom̃ ſecundum conſuetud̃ maner̃ ſub conditionibus ſequen', videlicet, ſi p̃ I.A. ſoluat aut ſolui faciat p̃fat̃ I. C. xl.s. ad feſtum ſancti Iohannis Baptiſt. et omniũ ſanctor̃ prox' futur̃, poſt dat̃ huius cur̃ equal' portionibus, quod tunc preſence ſurr̃ redditionẽ ſit in ſuo robor̃ et effect', Et ſi ipſe deficeret in ſolution' p̃d̃ in parte vel in toto quod adtunc bene licebit p̃fat̃ I.C. et aſſign' ſuis reintrar̃ et rehabere p̃d̃ cotagium iſtud ſurſum reddit̃ in aliquo non obſtante, Et dat̃ dño de fine etc. et fecit fidelitat', et admiſſus eſt inde tenens.

*Conceſſ. de copihold forisfact'.*

AD cur̃ etc. tent' tali die et ann' etc. p̃cept̃ fuit balliuo ſeiſire in manus domini vnũ

tenñtũ cum ꝑtiñ nuper in tenur̃ I. B. voc. R. eo quod ipſe alienauerit et vendidit dict̃ũ tenment̃ cuidã T. V. ſine licentia dom̃ &c. Et inde reſpondebit domino de exit quousque &c. Et q̃d in iſta eadẽ cur̃ dom̃ ex ſua gratia ſpecial' conceſſit dict' tenem̃t cum pertin' ꝓfat̃ I.B. cui dom̃ inde conceſſit ſeiñ, habend̃ ſibi et hæred̃ ſuis &c. de dom̃ ad volunt̃ ſecund̃ conſ. maner̃ præd, Et dat̃ dom̃ de fine &c. Et fecit dom̃ fidelitatẽ, Et admiſſus eſt inde tenẽs.

*Copia pro termino annorum.*

AD hanc cur̃ dom̃ ꝑ I.F. Seneſchal. ſuum conceſsit E.R. vnum meſuag. &c. cum ꝑtinẽtijs voc' A. habend̃ et tenẽd̃ ſibi et aſsig. ſuis à feſt. ſancti Mich. Arch. prox.futur̃ poſt dat̃ huius cur̃ vſque ad finem et term̃ quadragint̃ annor̃ extunc ꝓx' ſequeñ et plenar̃ complendorum reddendo inde annuatim xx.s.ad duos anni term̃, viz. &c. ꝑ equal' portiones, Prouiſo ſemper quod duran' termin' prædict' ꝑd̃ dñus inueniet maeremiũ materiã et ligna totiens quotiens neceſſar̃ fuerit dict' tenemẽt ad emendend̃ reparand̃ et ſuſtinendum. Et dat̃ dom̃ de fine, &c. Et fecit dom̃ fidel' et admiſſ. eſt inde tenens.

Rec

*Releaſe in cur' de title.*

AD hanc cur tent, etc. compert eſt q̄d dom̄ per T.P. Seneſcall. ſuū ad cur tent apud C tali die et ann', conceſsit ex manus ſuas W. P. et hæredibus ſuis vnā peciā terr contiñ circa tres acras terræ ſiue plus ſiue minus habeat quondam T.C. in A. iacen' ibid inter terr. A.B. ex part Auſtral' et terr W. S. ex p̄t Borial' habend et tenend, etc. ad volūntatē dom̄ ſecund conſ. maner, Et poſtea venit quedā A.W. coram præſ. T.P. ſeneſc. dom̄ et pretend habere titulum in p̄d pecia terræ, Et hic præſēs in cur remiſit, relaxauit, et imperpetuum quiet clamauit præſ. W.P. et hæredibus ſuis per licenc' dom̄ totū ius ſuum et clameum quæ habet vel habuit, vel in futur̄ haber poterit in p̄d pecia terr, et in qualibet inde parcell', Ita viz. q̄ nec ipſe A. nec hæred ſui, nec aliquis alius nomiñ eorū aliquod ius vel clameū in p̄d pecia terr de cetero exigere vel vendicare poterit, ſed ab omni actione iuris vel clamei ſint excluſi imp̄pet̄ p̄ p̄ſent et dat̄ dom̄, etc. et fecit fidel', &c.

*Conceſſio hered' poſt mortem patris.*

AD hanc cur tent, etc. compertum eſt q̄d I. B. obijt ſeiſitus poſt vltim̄ cur qui de domino tenuit ſibi et hæredibus ſuis vnum tenementū vocat̄ E. et obijt inde ſeiſitus, Et dic̄t quod R.B. filius eius eſt et proxim̄ hær. et

plenæ

plenę ætatis, vel infra ætatem, ſi ſoit deins age, videlicet, duodecem annorum, et in cuſtodia T. W. vel R. M. fratr̃ eius vel conſanguin' eius eſt proximus hæres eiuſdem et plene ætatis et præſẽs hic in cur̃ petit admitti et admiſſus eſt inde tenẽs tenend̃ ſibi et hęredibus ſuis de domino ad voluntatem domin' ſecundũm conſ. manerii, etc. Et dat̃ domino de fine etc. et fecit domino fidelit etc.

*Alit' vbi ſunt intaile le remonſter'*

AD hanc curiam compertum eſt quod R. B. de A. ad curiam tenr̃ tali die et anno etc. apud E. ſurſum reddidit in manus domini vnum tenr̃, etc. vocat̃ C. ad opus R.C. filij eiuſdem R. et A. vxoris ſuæ quibus domin' conceſſit ſeiſinam tenend̃ ſibi et hæredibus de corporibus eorum legitime procreat̃. Et ſi prædict' R. et A. vxor eius obierunt ſine hæredibus de corporibus eorum legitime ꝓcreat̃, quod tunc prædict tenr̃, etc. cum ſuis pertinentijs remaneant rectis hæredibus ipſius R. B. Et modo iſta cur̃ informatur per totũ homagium quod prædict R.et A.obierunt ſine hæredibus legitime inter eos procreat̃ et p̃d̃ R.B.ſimilit̃. Et ſup̃ hoc ven̄ I. B. frat̃ et hęr̃ p̃d̃ R.B. et pet̃ admit̃, Et admiſſ.eſt tenẽs,etc. Et ꝑ licenc' dñi p̃f. I. B. conceſſit p̃d̃ tẽt̃,etc. quæ ei remanſer̃ poſt mortẽ p̃d̃ R.B. et R. C.et A. vx' eius reman' W. C, et hær̃ ſuis cui dñ

eidẽ

eidē I. B. cōceſſ. ſeiſiñ tenēd ad volunt̄ domiñ ſcd'm conſ. maner'. Et dat̄ dom̄ de fine etc. Et fecit dom̄ fidelit̄ etc.

*Altier Cop. pro termino vitæ cum diuerſ. rem' onſter.*

AD hanc cur̄ ven̄ A.T. et ſurſū reddidit in manus domini vnum meſuag. et octo ac̄ ter̄ cuſtomar̄ vocat̄ I. vt dominus faciet inde ad voluntat̄ ſuā et dom̄ inde habebit ſeiſin. Et ex gratia ſua ſpeciali reconceſſit p̄d̄ meſ. et ter̄ p̄d̄ A. B. et K. vxori eius duran̄ vita eor̄, Ita q̄ poſt eor̄ deceſſū ipſius p̄d̄ ter̄ er tent̄ remaneat rectis hæred̄ ipſius A.T. imperpet̄ tenend̄ eiuſdem A.T. et I. vxori eius durant̄ tota vita eorum p̄ virgam ad voluntat̄ dom̄ ſecund' conſuet̄ manerij in forma præd. ſaluo iure cuiuſlibet, Et p̄d̄ A. T. et K. dāt dom̄ de fine etc. et feceṙ fidel' etc.

*Surr' extra Cur' & rem' cum conditione in extremis.*

AD hanc cur̄ compertum eſt q̄d̄ R.F. languens in extremis ſurſū reddidit in manus B. R. extr̄ cur̄ p̄ manus I. H. in p̄ſētia A. C. et B. D. tenen̄ huius maner̄ hoc teſt. vnū meſuagium cum p̄tiñ etc. ad opus A. vx' p̄d̄ R. F. tenend̄ ſibi p̄ ſeruitio inde debit̄ ſecund' conſuet̄ maner̄ p̄ termino vitæ ſuæ, Ita q̄ poſt

mort̄

mortē dict' A. p̄d meſuag. rem̄ I. filio p̄d R. et A. et hæred de corpor̄ ſuo legit' procreat', Et ſi contingat dict' R. obire ſine hæred de corp̄ ſuo legit' ꝓcreat' tūc p̄d meſ. remaneat R. filio p̄d R. et A. et hæred de copor̄ ſuo legit' ꝓcreat', Et ſi contingat dict' R. obire ſine hæred de corpor̄ ſuo legit' ꝓcreat' ꝙ tunc p̄d meſ. p̄ executores vtriuſque eorū diutius viuen' vendatur et denar̄ inde recept' et ꝓuenientes in pauperes et alias eleemoſinas diſponent' vt diſtribuer̄ ꝓut eis melius videbit' expedire quibus dñus inde conceſſit ſeiſinā tenend' in form̄ p̄d ad voluntat' dom̄ ſecūd conſ. maner̄. Et dant dño de fine &c. et fecit fidelit' &c.

### *Supplicatio tenen' domino.*

AD hāc cur̄ venit R. C. inſtant̄ ſupplicād' prout ipſe p̄ plurima tempora tranſact' ſupplicauit et proferr̄ domino finem annual̄ ratione exemptione vt ipſe ex ſua gratia ſpecial' in fauore ob cauſam ſenectutis infirmitat' et debilitatis corporis ſui poſsit exonerari de cætero ab omnibus et ſingulis inquiſitionibus Iurat' et offic' quorumcunque tam in hac villa quam alibi infra dict' maneriū ſibi objicend' et aſsignī qua propter aſpectu vero ſenectut. vna cum infirmitate et debilitate ſua ſub fine annual' nomine exemptionis inde prolate. Ac ſuggeſtionem eius per tenentes viſus ipſum veracit'

veracit̃ magn̄ teſtificat̃ in p̄miſſ. modo domin̄ conceſsit in iſta cur̄ p̄ I. F. ſeneſchal' ſuum p̄fat̃ R. C. licentiam fauorem et exemptionem pro termino vitæ ſuæ. Et prædict̃ R. C. dat̃ dño de annual' redd̃ 4. d. ſoluend̃ ad terminos vſuales.

*Licence pro ſect' Cur.*

AD hanc Cur̄ ven̄ I. S. natiuus domin' de fine pro ſect' Cur̄ reſpectuand̃ per vnum annum 2.s.

*Licence ad maritand. filiam.*

AD hanc Curiam venit I.S. natiuus dom̄ huius manerij et petit licentiam ad maritand̃ filiam ſuam infra dominium iſtud vel extra. Et domin' per I.W. ſeneſchallum ſuum conceſsit licentiam, etc.

*Licence dimittend' tent' cuſtomar'*

AD hãc Cur̄ venit T.R. Et petit licẽtiam a domino dimittend̃ omnia et ſingula ter̄ et tenemen̄t̃ ſua cuſtomar̄ ſcituat̃ iacent̃ et exiſten' infra dominium iſtud cuicunque perſonæ ſiue quibuſcunque perſonis placuerit eidem T.R. pro termino et ad terminum xxj. annorum proxim' ſequen' dat' huius cur̄ cui quidem. T.R. dominus licentiam dedit in forma

prædict̃

prædict' pro fine decem ſolidorum ſolut' in cur' ad vſum domin' huius manerij.

Note, that there is no manner of eſtates made of free land by deed pole, or deed indented, but the like eſtates may bee made by copie of Court roll of copihold Land of inheritance, and entred in the Court rolls: and the Steward is bound by law and conſcience to bee an indifferent Iudge betweene the Lord and his tenants, and to enter their copies truely in the Lords Court rolls, the which are the Lords Regiſter to know his preſidents, cuſtomes, and ſeruices: And alſo they are a great ſuretie to the tenants, that if their copies by any caſuall meanes ſhould bee loſt, they may reſort to the Lords Court rolls, and the Steward may make them new copies, according to the old preſident in the Lords Court roll: like as at the Common Law, when a matter in variance betweene two men is paſſed by verdict, and iudgement giuen thereupon and entred in the Kings records, there it reſteth of record to bee found if occaſion ſerue to ſearch for it. And alſo if a Deed or a Patent bee inrolled, there it remaineth of record to bee ſeene, if need be, and any man that hath occaſion may haue a copie thereof, if they ſue to the Iudges and the officers

cers of the place where the record lieth, and they may haue it exemplified vnder the seale of the office of the same place where such record lyeth, if he will be at the charge thereof. And also if a man haue occasion he may plead the same record in any of the Kings Courts. And the Lords Steward may doe the like with his Court Rolls.

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Plees

# Plees incident and belonging to the Court Baron, Formedon in remaind' : And this is where there are Copiholders of inheritance.

R. H. querit̄ versus C. E. et A. vxorem eius de placito terr̄ viz. de vno mesuag' duobus cottagiis viginti acris prati pastur̄ cum pertinentijs in I. infra iurisdictionem huius cur̄, Et fecit protestationem prosequi querelā istam in forma et natur̄ breuis domini regis de forma donationis in le remaner̄ ad cōmunem legē et inueñ pleg' de ꝓsequend̄ querelam illam in forma et natura breuis viz. I. H. et R. M. Et petit ꝓcess. superinde sibi fieri secūd̄ consuetudinē maner̄ prædict' versus p̄d̄ C. et A. vxor eius ideo secundum consuetudinem maner̄ illius a tempor̄ cuius contrar̄ memoria hominum non existit visitat̄ p̄cept est subballiuo maner̄ prædict' ac ministro Cur̄ prædict' quod sum̄ per bonis sum̄ prædict' C. et A. quod sint corā sectatoribus Cur̄ p̄dict' ad ꝓxim̄ curiam manerij prædict' die Iouis, viz. 20. die Iunij, anno, &c. apud Manerium præd̄ tenend̄ ad respondend̄ præf. R. H. de præ-

prædicto placito, etc. Idem dies dat̃ eſt præf. R. hic, etc. Ad quam quidem prox' Cur' ven' tam prædict̃ R. H. quam prædict̃ C. et A. per I. R. Attorn̄ ſuum et prædictus miniſter̃ Cur̃ prædict' retorn̄ hic in Cur̃ quod ipſe virtute precepti prædict̃ ſibi directi ſum̄ prædict̃ C. et A. per bonos ſum̄, viz. per I.C. et R.R. eſſendi hic ad hanc Cur̃ ad reſpond̃ præf. R.H. de prædicto placito prædict' vnius meſſuagij duorum cotagiorum viginti ac̃ ter̃, viginti ac̃ prati, et viginti ac̃ paſtur̃, cum pertinentijs prout ſibi præcept fuit, etc. Et ſuper hoc præd̃ R.H. petit verſus præf. C. et A. tenementa prædict' cum ptinentijs, vt ius et hęreditatem ſuam dicendo quod quidem W.H. fuit ſeiſ. de tenementis præd̃, cum pertinentijs in dominico ſuo vt de feodo ad voluntatem dom̄ ſecundum conſ. manerij pd̃. Et ſic inde ſeiſitus exiſtens ſecundum conſ. manerij illius à tempore quo non extat memoria hominum vſitat̃ et opprobat̃ ad cur̃ manerij præd̃ tent̃ apud I. infra pręcinctum manerij pręd̃ die Martis proxim̄ poſt feſtum P. anno regni, &c. per I. A. et T.P. deputat̃ balliui manerij pręd̃ in pręſentia T.C. T.S. R.L. I M. T.R. et I.B. tunc tenentes domin̄ maner̃ prędict̃, Surſum reddidit in manus domin̄ tenement̃ pręd̃ cum pertin̄ ad opus et vſum cuiuſdam M. tunc vxoris pręd̃ W. H. tenend̃ ad terminum vitæ ſuæ, Et poſt deceſſum eiuſdem M. pręd̃ tent̃ cum pertineñ integre remanerent cuidã I.H.

filio N.H. fratris prædict̃ W. H. et hæred̃ de corpore suo legitime procreat̃, Et pro defectu talis exit' eiusd̃ I. præd̃ tenẽt cum pertineñ integre remanere cuidã E. H. filiæ præd̃ W. H. tenend̃ sibi et hæred̃ de corpore suo legitime procreat̃, et pro defectu talis exit eiusdem E. prædict' tenementũ cum pertineñ integr̃ remanere rectis hæred̃ prædict' W. H. hæred̃ suis imperpetuum, virtute cuius quidẽ sursum redditionis, præd̃ M. fuit seisit̃ de tenementis p̃d̃ cum pertinentijs in dominico suo vt de libero tenemento ad voluntatem dom̃ secundũ cons. manerij prædict' tempore pacis tempor̃ præd̃ Regis Iacobi capiend̃ inde expleſ. ad valenc', etc. Et de ipsa M. remansit ius per formã sursum redditionis prædict̃ secundum consuetud̃ manerij præd̃ I. H. per quod idem I. fuit seisit̃ de tenement̃ præd̃ cum pertineñ in domiñ suo ut de feodo taliat̃ ad voluntatem dom̃ secundum cons. manerij p̃d̃ per formam sursum redditionis præd̃ tempore pacis tempor̃ dom̃ Edward̃ nuper regis Angl̃ secundo capiend̃ inde expleſ. ad valenc', etc. Et de ipso I. post mortem præd̃ E. eo quod vterque p̃d̃ I. et E. obijt sine hæred̃ de corpor̃ suo legitime procreat̃ remansit ius per form̃ sursum redditiõ p̃d̃ scd̃m cons. maner̃ p̃d̃ isti R.H. qui nũc petit. viz. vt fil' et hær̃ W. H. frat̃ et hæred̃ p̃d̃ W. H. Et inde produc' sect'. etc.

Et prædict' C. et A. per T.H. Attorñ suum ven̄ et defend̃ ius suum quando, etc. Et dic' q̃d̃ prædict'

prædict' W.H. non dedit tenement' prædict' cum pertinentijs præfat' R.H. et hæred' de corpore suo exeunt, Ita quod si idem W.H. obierit sine hæred' de corpore suo exeunt' tenemēt cum pertinentijs præfat' R.H. et hæred' de corpore suo exeunt remanerunt imperpetuum in forma qua predict' R. H. per breue et narrationem suā præd' supponiter, Et de hoc, etc. Ideo duodecimo, etc.

*Plaints de mort dancestor.*

R. C. queritur versus W.L et E. vxor' eius de placito terr', viz. de vno messuagio trigint' acr' prati et cent' acr' pastur' cum pertinentijs in I. infra iurisdictionem huius cur', Et fecit protestationem prosequi querelam suam in forma et natur' breuis Domin Regis assisæ mortis antecessoris ad communē legem, etc. Et petit process. pro eo fieri secundū cons. huius Manerij in forma et natura breuis prædict' dirigend' balliuo et ministris huius cur', et quod ijdē balliui et ministri per mandat' et p̄cept' dom̄ huius manerij et secundum cons. eiusdem maner' sum̄ per bonos sum̄ xij. probos et legales homines de homagio huius manij quod sint coram seneſc. eiusdem manerij ad prox. cur' infra maner' istud tenend' parati sacramentum cognoscere, Si R. C. pat' prædict' R. fuit seisit' in dominico suo vt de feodo ad voluntatem dom̄ secundū cons. Manerij istius die quo obijt de et in vno

meſuag' trigint acr' prati et cent' acr' paſturæ de terr' cuſtom huius manerij cum pertinen' voc' C. infra iuriſdictionē huius cur' die quo obijt, Et ſi idem R. pater obijt infra quinquagint' annos iam vltimos elapſos, Et ſi prędict' R. filius ſit propinquus hæres prædict' R. patris, Et interim terr' et tenement prædict' videant, Et q̄d ſum' per bonos ſum' pręd' W. et E. qui eaſdem terr' et tenement nunc tenent q̄ ſint ibi ad audiend' recogn' et inuen' pleg. ad proſequend' querelā ſuam præd' I. Doo. R. Roo

*Barre.*

Et modo hic ad hanc cur' ven' præd' W. L. in propria perſona ſua, Et dic' quod prædict' R. pater prædict' quer' nō fuit ſeiſit' in dominico ſuo vt de feodo ad voluntatem dñi ſecundū conſuetudinē huius manerij die quo obijt de prædict' meſuagio et trigint' acr' prati et cent' acr' paſtur' cum pertin' modo et forma prout p̄ p̄d' quær' prius ſuppoñ. Et hoc petit q̄d inquiratur p̄ aſſiſam, Et p̄d' querens ſimiliter, &c.

*Entrie in le Per & Cui.*

Ad hanc cur' ven' I. N. in propria perſona ſua et queritur verſus T. M. de placito terræ videlicet de vno meſuagio vno gardino et vno pomar' cum pertinen', Et inuen' pleg. de proſequendi quærelam ſuam prædict' viz. I. D. et R. R. Et

R. Et protestatur prosequi querelam suam p̄d̄ die prædicto mesuagio gardin' et pomar̄ cum pertinentijs in I. in natura et forma breuis domini regis de ingress. in le Per et Cui dicendo quod idem mesuagium gard̄ et pomar̄ cum p̄tinentijs sunt ius et hæred̄ sua secundum cōs. manerij p̄d̄, Et in quæ præd̄ T. M. non habet ingress. nisi per E. nuper vxorem W. M. et fil' R. P. cui præfat̄ R. P. et M. vxor sua illa dimisit R. N. per rem̄ ipsius I. N. infra quinquagint̄ annos iam vltim̄ elapsos, &c. Et petit processum inde sibi fieri versus præfat̄ T. M. secundū consuet̄ maner̄, ideo secundum consuet̄ maner̄ illius præcept̄ est I. B. subballiuo eiusdem maner' ac ministro Cur' prędict' quod secundum cons. manerij præd̄ sum' per bonos sum' præfat' T. M. quod sit ibi ad prox' cur'. scz. 4. die M. proxim' futur̄ hic tenend̄ ad respond̄ præfat' I. N. de placito prædict', etc. Idem dies dat' est I. N. hic, etc.

### *Common recouerie in droit patent by consent.*

Ad hanc curiam venit A. B. ciuis et mercator̄ L. in propria persona sua et queritur versus W. W. de placito terræ, videlicet, de vno mesuagio, vno gardin', et vna acr' terr̄ cum pertin' in I. tent' de isto manerio per copiam rotulorū Cur̄ et fecit protestationem prosequi querelā suam p̄d̄ in cur̄ p̄dict' in forma et natura br̄is

dom̃ regis de rect̃ patent̃ ad communem legẽ secundum cons̃. manerij præd̃, Et inuen̄ pleg' de prosequend̃ querelam suam p̃d̃ hic in eadẽ cur̃, scz. Io. Den. et R. Fen. et pet̃ proces̃. superinde fieri versus præf. W.W. secund̃ cons̃. manerij præd̃, Ideo secundum cons̃. manerij præd̃ præcep̃ fuit I. S. balliuo maner̃ p̃d̃ ac ministro cur̃ illius quod sum̃ præd̃. W.W. Ita quod sit hic ad prox' cur̃ maner̃ præd̃ hic scilicet die salut̃ 4. die Ianuar̃ tenend̃ præd̃ A. B. de placito prędict', Et quod tunc habeat ibid̃ nomina sum̃ et hoc breue, Et idem dies dat̃ est petenti hic, &c. Et modo scilicet ad hanc Cur̃ ven' præd̃ W.W. in propria persona sua et in plena cur̃ hic gratis obtulit ad respond̃ præd̃ A B. de placit prædict̃ per bonos sum̃ suos scilicet I.D. et R.R. secundũ cons̃. maner̃ prædict̃, Et super hoc modo ad hãc cur̃ præd̃ A.B. scz. in propria persona sua venit, et petit vers̃. p̃d̃ W.W. mesuag' præd̃ gardin̄ et acr̃ terr̃ prædict' cum pertinen' in I. præd̃ tenũ de isto manerio per copiã rotulorum cur̃ isti' vt ius hereditatem suã, Et vnde dic' quod ipsemet fuit seisit̃ de tenũ præd̃ cum pertinen' in dominico suo vt de feodo et iure secundum consuetudin' manerij prædict' tempor̃ pacis tempore dom̃ regis nunc capiend̃ inde expler̃ ad valẽc' &c. Et q̃ tale sit ius suum offert, &c.

*Respons.*

*Reſponſ.*

Et prædictus W.W. venit et defendit ius ſuum quando. &c. et ſeiſina eius de qua ſeiſina &c. vt de feod et iure, &c. et maxim̃ de tenementis prædict' cum pertinen' et totũ, etc. Et ponit ſe ſuper homagium præd dom̃ regis cuĩ prædict' ſecundum conſ. manerij præd et petit recogn' fieri vtrum ipſe magis ius habet tenend tenement̃ p̃d cum p̃tin' ſicut ille tenet an prædict' A. B. habend tenement̃ prædict' cum pertin̄ ſicut ille ſuperius petit, &c.

*Imparlance.*

Et præd A. B. petit licentiam inde interloquend vſque horam xj. ante meridiem eiuſd̃ diei et habeat, &c. et eadem hora dat̃ eſt præf. W. hic &c. Et poſtea idem A. B. reuenit hic in cuĩ iſto eodem die ad prædict̃ horã in propria perſona ſua, Et p̃d W.W. licet ſolemnit̃ exact' non reuenit ſed in contemptu cuĩ receſſit et defalt̃ fecit, Ideo ſecundum conſuetudin' manerij prædict̃ cõceſſ. eſt per cuĩ quod præd A. B. recuperet ſeiſinã ſuam verſus prædict' W.W. de tenementis prædict' cũ pertin' ſecundũ conſ. maner̃ præd tenend eidem A. B. et hæred ſuis ſecund conſ. dicti maner̃ quiet̃ de præd W.W. et hæred ſuis, imperpet̃ et idẽ W.W. in mĩa, &c. Et modo ad iſtam cuĩ dom̃

in̄ executione iudicij et recuperationi s p̄d̄ per Seneſc. ſuum conceſſit pręfat' A.B. de tenemēt̄ præd̄ cum p̄tin̄ ſeiſin̄ tenend̄ ſibi hæred̄ et aſſign̄ ſuis per virgam ad volunt' dom' ſecundū conſ. huius maner̄, et fecit inde dom' finem et fidelit̄ et admiſſ. eſt inde tenens.

Et poſtea ſcilicet ad iſtam eandem cur̄ p̄d̄ A.B. adtunc preſens exiſtens ven'ac præd̄ W. W. ſurſ. reddidit in manus dom' tent̄ præd̄ cū pertin' ad opus et vſum prædict' A.B. hæred̄ et aſſignat̄ ſuorū imperpet̄, Et vlter̄ prædict' W. W. remiſit, relaxauit, et omnia pro ſe et hæred̄ ſuis imperpet̄ quiet̄ claim̄ præf. A.B. hæred̄ et aſſignat̄ ſuis in ſua plena et pacifica poſſeſſion' et ſeiſin' exiſten' die confectionis preſent' totū ius, ſtatum, titul' clameum, intereſſe, ſeu demād̄ ſua quecunque quæ vnquam habuit habet ſeu quouiſmodo in futur̄ habere poterit de aut in tenementis prædictis cum pertinentijs aut in aliqua parcella eorundē, Ita viz. q̄d̄ nec præf. W. W. nec hæred̄ ſui aut al' eorū aliquod ius, titulum, ſtatum, clam̄, intereſſe, ſeu demand̄ de aut in tenemēt̄ p̄d̄ cum pertinentijs ſuis, nec in aliqua parcell' eorund̄ de ceter̄ exigere, clamare, ſeu vendicare poterint nec debent in futur̄ ſed ab omni actione iuris, tituli, clam' vſus, intereſſe, et demād̄ inde petēd̄ imperpet̄ ſint excluſi et quilibet eorū ſit excluſus imperpet̄ per præſent̄, Et preterea prefat̄ W. W. conceſſit pro ſe et hæredibus ſuis quod ipſe warrant̄ tenemēt̄ p̄d̄ cum pertinen̄ præfat̄ A.B. et

hære-

hæredibus ſuis contra omnes homines imperpetuum.

*Common recouery in Entrie in le poſt by conſent.*

Et poſtea ſcilicet ad iſtam Cur̃ venerunt R. M. et W. M. et quærunt̃ verſus prædict̃ M. M. de placito ter̃ viz. de prædict' oct' ac̃ prati et fecerunt proteſtationem ſequi querelam iſt̃ in form̃ et natur̃ breuis domini regis de ingreſ. ſuper diſſeiſinam in le poſt. Et ſuper hoc præd̃ R. et W. M. in propriis perſonis ſuis petunt verſus præd̃ M. M. p̃d octo ac̃ prati cum pertineñ in I. infra iuriſdictionem huius cur̃ vt ius et hæreditat̃ ſuam et in quas idem M. M. non habet ingreſ. niſi poſt diſſeiſinam quam H. H. inde iniuſte et ſine iudicio fecit præf. R. et W. infra triginꝯ annos iam vlterios elapſos, &c. Et vide dicunt quod ipſimet fuerunt ſeiſiti de p̃d octo ac̃ prati cum pertineñ in dominico ſuo vt de feodo et iure ad voluntatem domini ſecundum conſ. manerij præd̃ capiend̃ inde expleñ ad valenc' &c. Et in quas, &c. Et inde producant ſect', &c.

Et prædict' M. M. in propria p̃ſona ſua ven' et defend̃ iuſ ſuum quando, &c. et vocat̃ inde ad warrant' præd̃ W. T. qui preſens eſt hic in cur̃ in propria perſona ſua et gratis prædict' octo ac̃ prati cum pertineñ ei warrant̃, Et ſuper hoc præd̃ R. et W. M. petunt verſus ipſum

W. T.

W.T. tenent per warrant suam prædꝯ octo acr̃ prati cum pertineñ in dominico suo de feodꝯ et iure ad voluntatem dñi scd'm consuetudinem manerij prædict' tempore pac' tempor̃ dom̃ regis nunc capiend' inde expleṽ ad valenc', etc. Et in quas etc. Et inde produc' sect', etc.

Et prædict' W.S. tenens per warrant̃ suam defend' ius suum quando, etc. Et vlterius vocat̃ inde ad warrant̃ C.D. qui scilicet presens est hic in cur̃ in propria persoñ sua et gratis prædict' octo acr̃ prati cum pertinentijs ei warr̃ &c. Et super hoc ijdem R. et W.M. petũt versus ipsum C. teneñ ad warrañ prædict' octo acras prati cum pertineñ vnde dicunt quod ipsimet fuerunt seisiti de eisdem octo acris prati cum pertiñ in dñico suo vt de feodo et iure ad volunt̃ dom̃ secundꝯ consuetudinem manerij pꝺ tempor̃ pacis tempore dñi regis nunc capiẽꝺ inde expiet ad valẽc', etc. Et in quas, etc. Et inde produc' sect', etc.

Et prædict' R. et W.M. petunt licentiã interloquẽꝺ et habent, etc. Et postea ijdẽ R. et W.M. reuenerunt hic in cur̃ ad istam eandem curiam in propriis personis suis, Et prædict' T. licet solempniter exact' fuit non reueñ sed in contemptu cur̃ receſſit, et defalt̃ fecit, ideo cõcess. est, quod prædict' R. et W.M. recuperet seisinam suam versus præfat M.M. de prædict' octo acris prati cum pertiñ, etc. Et quod idem M.M. habeat de terra prædꝯ W.T. ad valenc' etc. Et quod idem W.T. vlterius habeat de terr̃

prædict'

prædict' C.D. ad valenc', etc. Et idē C. in mia, etc. Et super hoc prædict' R. et W. M. petunt p̄cept̄ de ſtabere faciēd̄ in eis plenar̄ ſeiſinā de prædict' octo acr̄ prati cum pertineñ miniſtro cur̄ præd̄ dirigend̄ et eis conceditur rationabil' hic indilat, etc. Et poſtea ſcilicet iſto eodē primo die Aprilis veñ hic in cur̄ præd̄ R. et W.M. in proprijs perſonis ſuis et miniſt' cur̄ prædict', videl', R. W. certificauit cur̄ præd̄ quod ipſe virtute p̄cept̄ prædict̄ ſibi inde direct̄ dict' primo die Aprilis habere fecit præf. R. et W. M. plenā ſeiſinā de præd̄ octo acr̄ prati cum pertin' prout per præcept' p̄dict' ſibi mandat' fuit, etc.

Et poſtea ſcilicet ad iſtam eandem curiam prædict' R. et W. M. et p̄dict' W. T. adtunc præſent̄ exiſten' venerunt, ac ſurſum reddiderunt in manus dom̄ in eadem cur̄ preḍ octo acr̄ prati cū pertin' ad opus et vſū p̄d̄ M. M. hær̄ et aſſign' ſuorū cui dom̄ per ſeneſchallum ſuum prædict' conceſſit inde ſeiſinā per virgā habēd̄ et tenend̄ ſibi et hæred̄ ſuis ad voluntatem dñi ſecund̄ conſuet' maner̄ preḍ, etc. Et vlteri' p̄d̄ R. et W. M. et W. T. remiſerunt, relaxerunt, et omnino pro ſe et heredibus ſuis imperpetuum quiet̄ clam̄ præfat̄ M. M. hæredibus et aſſign' ſuis in ſua plena et pacifica poſſeſſione et ſeiſina exiſtens in plena cur̄ totum ius, ſtatū̄ titulum, clameum, intereſſe, ſeu demand̄ ſua q̄cunque quæ vnquam habuerunt habent ſeu quouiſmodo in futur̄ habere poterint de aut in

præ-

prędict' octo acr̃ prati cum pertinentijs aut in aliqua inde parcell', Ita videlicet quod nec pf. R. et W.M. et W.T. nec hæred̃ ſui aut aliquis eorum aliquod ius, titulum, ſtatũ, clameũ, intereſſe, ſeu demand̃ de aut in prædict̃ octo acr̃ prati cum pertinentijs ſuis nec debẽt in futur̃ ſed ab omni occaſion̄ iuris, titul' clam̃, vſus, intereſſe, et demand̃ inde petend̃ ſint excluſi et quilibet eorum ſit excluſus imperpetuum per pręſentes, Et præterea prędict' W.T. cõceſſit pro ſe et hæred̃ ſuis quod ipſe warr̃ p̃d octo acr̃ prati cum pertin̄ præf.M.M. et hæred̃ ſuis cont' omnes homines imperpetuum,&c.

*De ſurr' emiſſit.*

G.B. quęritur verſus R.G.de placito debit' xxx.s.iiij. d. pro eo viz. quod cum p̃dict' R.T. decimo die Apriſis ann' &c. apud I infra iuriſdictionem huius cur' emiſſet de eodem G. B.treſdecim ligneas olei vocat̃ meate oyle pro quindecim ſolidis et tribus denarijs vnã centenam de maddr̃ pro quindecim ſolidis et vno denario ſoluend̃ eidem C.B. cum inde requiſit̃ fuiſſet quæ quidem ſummæ in toto ſe attingunt ad p̃d xxx. s.iiij.d. p̃d tamẽ R. C.licet ſepius requiſit̃ prædict' xxx. s. iiij.d. eidẽ G. B. nondum reddidit ſed ill' ei hucuſq; reddere contradixit et adhuc contradic' vnde dic' q̃d deteriorat̃ eſt et dampn̄ habet ad valenc' x.s. Et inde produc' ſect', &c.

Et

Et prædict' R. C. per I. A. attornatum ſuum ven̄ et defend̄ vim et iniuꝝ quando, &c. Et dic' quod ipſe non debet præfat' G. B. prædict' 30. s. 4. d. ne aliquem denarium inde in forma qua idem G. B. ſuperius verſus eum queritur ideo conſ. eſt quod prædict' R. C. vadeat inde legē ſuam ſe duoden' manu pleg' de lege I. M. et R. F. et venēr cum lege ſua hic ad proxim̄ cur̄ in propria perſona ſua et dict' eſt præfat' Attorn̄ p̄dict' R. T. quod tunc habeant hic eundem R. C. magiſtrum ſuū in propria perſona ſua ad p̄ficiend̄ legem ſuam p̄dict', &c.

Ad quem diem hic ven' prędict' R. C. et perfecit inde legē ſuū p̄d̄ ſe xij. manu prout ea ſuperius vad' ideo conc' eſt q̄ p̄d̄ quær̄ nihil capiat p̄ placitū ſuum p̄d̄ ſed ſit in miſ. pro falſo clamore ſuo inde, &c. Et q̄ præd̄ defeat' eat' inde ſine die.

**And as for all other actions which will lye in this Court, you ſhall find ſufficient preſidents for them in the hundred Court, parcell of this Booke, whereunto I refer you.**

*Breue de Grand Cape.*

I. W. Seneſchalus balliuo eiuſdem manerij ſalutem, tibi præcipio quod capias in manum dom' per viſum proborum et legalium hominum de manerio iſto tertiam partem vni' meſuag. et viginti acr̄ terr̄ cum pertinentijs in I.

quam

quám A. I. in cur̄ iſta, &c. clam' verſus T. I. nup de I. vt dotē ipſius A. ex donation' prædict' C. I. quondam viri ſui per breue de dote vnde nihil habet pro defectu ipſius T. Et diem. captionis ſcire fac' mihi, Et ſum̄ per bonos ſum̄ p. dict' T. quod ſit hic ad proxim̄ cur̄ inde reſpond' et oſtend' quare non fuit hic ad vltimam cur̄ ſicut ſum̄ fuit, Et habeas ibi nomina eorum quibus hoc feceris ſum̄ teſte, &c.

*Le entre de grand Cape.*

A. quæ fuit vxor̄ C. L. per A. B. atturnatum ſuum obtulit ſe ad iſtam curiam verſus T. I. de placito tertiæ partis vnius meſuagij et viginti ac̄ terræ cum pertinentijs in I. quæ eadem A. in cur̄ iſta hic clamat vt dotem ſuam ex dotatione prædict' I. C. quondam viri ſui eo quod tenemen̄ prædict' ſunt infra dominium iſtud. Et mulieres quæ poſt mortem virorum ſuorū de tenementis in I. prædict' exiſtent̄ dotabiles ſunt ſecundum conſuetudinem de eodem manerio A. tempore quo non extat memoria hominum vſitat̄ de tertia parte eorundem dotari debent, etc. Et ipſe non venit et ſummon', etc. ideo per iudicium cur̄ tertia pars prædict' cum pertinentijs capiatur in manum domini, etc. Et diem, etc. prædict' ſumm' quod ſit hic ad prox. cur̄, etc.

*Petit*

*Petit Cape.*

I.W. Seneſchallus balliuo eiuſdem ſalut, tibi præcipio quod capias in manum domin per viſum proborum et legalium hominũ de manerio iſto vnum meſſuagium cum pertinentijs q̃d A.C. in cur̃ iſta clam̃ vt ius ſuũ verſus B.R. p querel' de forma donationis in le remanere pro defectu ipſius B. et di captionis ſcir̃ fac' mihi ad prox. cur̃, Et ſum̃ præd B. R. q̃d ſit hic coram, etc. tali die inde reſponſur̃ et oſtenſur̃ quare nõ fuit hic in cur̃ iſta coram, etc. tali die px' p̃terit̃ ſicut ſum̃ fuit, Et habeas ibi hoc p̃cept̃, et qualit̃, etc.

*Le entrie de Petit Cape.*

T.Q. ar̃ et I. vxor eius per atturnatum ſuum opon̄ ſe quarto die verſus H.B. de I. et A. vxor̃ eius de placit̃ tertiæ partis octo meſſuagiorũ et octo virgat̃ ter̃ cum pertinen̄ in I. quam præd. T. et I. in cur̃ iſta clam̃ vt dotem ipſius I. ex dotatione G.S. quondam viri ſui verſus eos, Et ipſe non ven̄, Et habuerunt inde diem hic vſque ad hunc diem ſcilicet dec̃ di etc. poſtquam alias comparuerunt hic in cur̃, ideo per iudicium tertia pars p̃d cum p̃tin̄ capiatur in manum dom̃. Et ipſi ſum̃, etc. q̃d ſint hic in die, etc. auditur̃ inde iudicium ſuum, etc.

*Haberi*

*Habere facias seisinam.*

I. W. Seneſc. ballino eiuſdē ſalut', Scias quod A. B. in cur̄ tenta tali die p̄ cōſideration' eiuſd̄ cur̄ recuperauit ſeiſinā vnā verſus B. C. de oct' acr̄ ter̄ cum p̄tiñ in I. per defalt' p̄d̄ B. Et ideo tibi p̄cipio q̄ eidem A. B. plenariā ſeiſinā de tenement' p̄d̄ cum p̄tiñ ſine dilatione habere facias ſeiſin̄. Et habeas ibi hoc p̄cept̄ et qualit̄, &c. Dat̄, &c.

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The

# The manner and form how to keepe a Hundred Court, or Court Baron, commonly called a three-weekes Court, and a Court of Ancient Demesne, as followeth.

FIrst the Steward must enter in his Court Booke the Stile of the Court, thus:

Cur' R. T. Mil' manerij siue hundred de A. Westbrooke tent ibid tali die et ann', reciting the Kings stile at large: Coram A.B. et C.D. sect' eiusdem Cur'.

This done, then the Bailife must say Oyes, that is, he must make an Oyes, and say Essoines and proffers before the Court three times, and then say, All manner of persons that haue any thing to doe at this Court, draw neere, and giue your attendance, and if any man will bee essoined, let him come forth and he shall be receiued, or if any man will enter any plaints, let him come and he shalbe heard.

This done, if any man will enter any Plaints, you must enter them after this manner:

A.B. queritur versus C.D. de placito debit̃ vel de placito transgressiõn vel de placito captionis et iniuste detentionis aueriorum suorũ vel similia &c.

**And if any man will be essoined, you must enter their essoines thus.**

I.S. Essoin est pro sect' cur̃ per W.D.

**Also there be foure other manner of essoins, which are seldome vsed to be cast, and these be they, viz. If a man be in the Kings warres or Embassage, or in any other of the Kings businesse, or beyond the seas, or if any man be sicke in his bed, or if any man be letted or hindred by water, so that he cannot come to the court: which essoines must be entred after this manner.**

I.S. essonat̃ est quia est in seruic' domini regis, etc.

A.S. essoñ est quia est vltra mare.

T.S. essoñ est quia est de malo lecti.

W.G. essoñ est quia non potuit venire ꝓpt̃ fluxum vel altitudinem Aquæ.

**And there be two other manner of essoines which are in plea, the one after summ. or attachment, and the other after issue ioyned, are to be entred after this manner.**

I.S. qui summon' fuit vel attachiat̃ fuit essẽdi hic ad hãc curiam, ad respondend̃ T.K. de placito debiti vel similia, modo esson' est per D.W. etc.

And

And the other must bee entred after this manner.

I.S. qui habuit diem vsque ad hanc cur̄ ad exit̄ iunct' inter T. K. quer̄ et I.W. defēd̄ modo essoñ' est per D. W.&c.

And if it bee vpon a wager in Law, then it must be entred after this manner.

I. S. qui habuit diem ad hāc cur̄ ad faciend̄ legem suam versus T.K. quer̄ in placito debiti modo essoñ' est per W.D.

And in like manner the plaintife may be essoined if he will, and if the one partie be essoined at one Court, the other partie may be essoined at the next Court following.

And you must vnderstand, that whosoeuer will cast any essoine in these Courts, he must come at the beginning of the Court when proclamation is made, or else he ought not to bee receiued.

And note also that in all these cases following, the partie cannot be essoined: first if hee haue an Atturney in the selfe same plea present in the Court, or if the party himselfe bee seene in the Court, or if there be no plea, if the partie made default at the last Court before, then he cannot be essoined, or if he come in by Cepi corpus, or distrosse, or if hee come in the end of the Court, he cannot be essoined, as appeareth by the statute of Essoines made in the 21. yeere of E. 2.

And you must also vnderstand, that for euery default that the defendant maketh after his appearance, and day giuen to answer or doe his Law, and then make default at any day he shall be called non-suit, and he and his pledges amerced, and that is where the plaintife is a stranger dwelling out of the iurisdiction of the Court, where hee finds pledges, if the case should passe against him, his pledges must then pay the defendants cost, which is a thing euer reasonable, but seldome or neuer vsed.

And the Steward of the Court, at the beginning of the Court must inquire of the Bailife how he hath serued the attachments and distresses, and other precepts to him directed, and if hee say that they were serued, then call the parties, and if the plaintife haue not his declaration ready when the defendant appeareth, he must bee called non suit thus. A.B. come forth and prosecute thy Action against C.D. or else thou wilt be non-suit: and if hee come not forth sedente cur', or some for him to craue further time to declare, which the Court in discretion may grant him, then hee shall be non-suit of course, and if the the defendant make default, processe must goe forth against him: and in a personall Action the proces are summons, attachment, and distresse infinite, which attachments and distresses must

be

be reſonable, and not outragious, according to the ſtatute of Marlebridge cap. 4. And if the defendant make default upon the attachment or diſtreſſe, they being ſerued, and ſo returned by the Bailife, then the goods ſo taken by attachment or diſtreſſe be forfeit to the Lord of the Court and the defendant ſhall alſo be amerced and a new Diſtringas ſhall goe out againſt him, And if the defendant appeare and then after make default, hee ſhall bee condemned by default, and a nihil dicit entred againſt him, and the Steward muſt enter both the effect of the declaration for the plaintife, and of the plea or anſwere for the defendant.

And if the parties plead to an iſſue triable by an Inqueſt, proceſs muſt be made to ſummon the Jurie, viz. a venire fac', and if the defendant be condemned either by default or by verdict, then a Leuari fac' ſhall be awarded to make leuie of his goods, and thereupon the defendants goods ſhall be taken, praiſed, and ſold to ſatisfie the partie plaintife, and if the def. haue no goods whereupon leuie may bee made, then the pl. is without remedy, except it bee by a priuate cuſtome which is vſed in ſome places, to take the body, then the body may be taken by a Capias ad ſatisfac' and laid in priſon, there to remaine vntill the pl. be ſatisfied, but you muſt vnderſtand that in a

countie Court, hundred Court, or court Baron, there can bee no plea held where the debt or damages amount to ten shillings or above.

And it is a maxim in law, that in all courts which are not courts of record, the matter if it be for debt, ought to be tryed by oath, that is, by wager of law by the def. and not otherwise, unlesse it be by assent of both parties.

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The

# The forme of Proceſſe in baſe Courts, which are Courts of Record.

*A Summons.*

PRec' eſt balliuo ibidem quod ſum̃ fac' C. D. quod ſit hic ad proxim̃ cur̃ ad reſpond' A.B. in placito debiti, detẽtion, trñs, vel ſimil'.

*An Attachment.*

Prec' eſt balliuo ibid' q̃ attachiat̃ C.D. per bona et catall' ſua, q̃ ſit ad prox' cur̃ ad reſpõdend' A. B. de placito debiti vel ſimilia.

*A Diſtringas.*

Prec' eſt balliuo ibid' q̃ diſtring' E. D. per bona & catalla ſua quod ſit ad prox' cur̃ ad reſpond' A.B. de placito debiti, &c. Teſte I.W. gen' Seneſ. ibidem.

*Al' diſtring' & plur. diſtring'.*

Prec' eſt balliuo ibid' ſicut al' vel ſicut plur̃

tibi præcept fuit quod distringas, etc. vt supra.

*A Venire fac.*

Præc' est balliuo ibid' q̄ ven' fac' 12. ꝓbos et legal' hoies de balliuo suo, q̄ sint hic ad ꝓx. cur' ad triand' exit' iunct' inter A. B quæ' et C. D. def. de placito debit vel similia.

And if a full Jurie doe not appeare, then as many as make default, and be not essoined, shall be amerced, and a Decem tales awarded to summon ten more, as followeth, and the same day giuen to the first Jurie.

*Decem tales.*

Præc' est balliuo ibid' q̄d venire fac' decem tales probos et legal' hoies de ball' suo, q̄ sint hic ad ꝓx. cur' cū alijs qui sibi adtunc et ibid' associentur ad triand' exit' iunct' int' A. B. quer' et C. D. defend' de placito debiti vel similia.

At which day as many as make default and be not essoined, shalbe amerced, and then an Octo tales shall be awarded, and after that if need be, a Sex tal'.

And if there appeare a full Jurie, then both the parties shall haue their challenges lawfull to the Jurors, and if the Jurie find for the plaintife, then they must giue cost of suit and damage.

damages, and in the like manner they shall assesse damages, if they finde for an Auowant in a Repleuin &c.

*A leuare fac'.*

Præc' balliuo ibid' q̃d de bonis et catallis G.D. leuare fac. xx s. quos A.B. in hac cur̃ recuperauit versus eum in placito debiti, vel similia, et promiss. et custagijs suis 12. Ita q̃d den' illos habeat hic ad prox. cur̃ ad reddend' p̃d A. B. Teste etc.

And if the Bailife returne that he can finde no goods of the said C.D. then if the custome serue, he may haue a Capias to take the bodie and lay him in prison, vntill such time as hee hath satisfied the partie. The forme of which precept is thus:

*A Cap' ad satisf.*

Præc' est balliuo ibid' q̃d capiat C.D. et eũ in prisona sua saluo custod' fac' quousque satisfecit A. B. tam de xx. s. pro debit' quos p̃f. A.B. recuperauit versus eum quã 12. d. promiss. et custag' suis etc. Teste etc.

And if any goods be taken wrongfully, then the party grieued may haue a repleuin, which must be made after this manner.

*A repleuin.*

I. W. gener Senes. R.T. mil' R.F. ball' hundred de A. salut, Quia A.B. inuenit mihi suffic' securitatem tam de clamore suo prosequend quam de auerijs suis, videlicet, vno boue que C.D. cepit, et iniuste detinet vt dicitur return si return inde adiudicetur, Ideo tibi præcipio pariterque mando qd boue pd præf. A.B. sine dilatione replegiar et deliberar fac' et pon per vad et saluos pleg. prædict' G.D. quod sit ad proxim cur apud A. prædict tened ad respond prefat A.B. de placito captionis et iniuste detentionis bouis prędict' Et qualiter hoc præcept meum fuerit executum mihi ad proxim curiam apud A. prædict' tenend constare fac' sub periculo incumbent vno cu hoc præcept dat sub sigillo meo x. die Aprilis, an reg. dom nostri Iacobi dei gratia Angliæ, Franc' et Hib. reg. fidei defens. &c. 15. et Scot' 51.

*I.W. gen' Seneschal. ibid.*

**And if the Bailife do not deliuer the plaintife his cattell by vertue of the said Repleuin, then the plaintife may haue an Alias repleuin with these words, vel causam mihi significes, which Repleuin must be made after this manner.**

A

*Al' repleuin.*

I.W. gen̄ Seneſ. R.T. R.F. ball' manerij ſiue hund' ſui de A. ſalut̄, Quia A.B. inuen̄ mihi ſufficient ſecur̄ tā de clamore ſuo ꝓſequend', &c. *as in the other repleuin*, Ideo tibi p̄cip̄ pariterq; mando, ſicut alias tibi mād' bouē p̄d' eid̄ē A.B. ſine delatione replegiar̄ fac' vel cauſā mihi ſignifices, quare mādat̄ mea tibi inde direct' exequi noluiſti aut non potuiſti, Et poñ per vad' et ſaluos pleg', &c. vt antea *in the other Repleuin.*

And if the Baſtife do not deliuer the plaintife his cattell vpon this Repleuin, nor ſhew ſufficient cauſe why he did not, then the party may haue a Pluries Repleuin, vel cauſam mihi ſignifices, which muſt be made verbatim as the alias Repleuin was made, onely changing this word alias into Pluries. And if the baſtife returne vpon any of theſe Repleuins; quod aueria elōgat̄ ſunt ad loca ſibi ignot', Ita quod aueria ill' p̄d' C.D. deliberar̄ non potuit, then the plaintife may haue a Withernam, which muſt be made in this manner.

*A Withernam.*

I. W. gen̄ Seneſ. R.T. milit̄ R.F. ball' maner̄ ſiue hund' ſui de A. ſalut̄. Cū A.B. inuenit mihi ſufficient̄ ſecurit̄ tam de clamore ſuo ꝓſequē'd quam

quam de retorn' habend' de vno boue, etc. si retorn' inde adiudicetur quẽ E.D. apud C. cepit et iniuste detinet vt dicitur, Et p̃d' balliuus sup̃ diuers. precept̃ mea de repleg' fac' eidẽ balliuo direct̃ mihi certificauit q̃d' p̃d' bos elongat̃ est ad loca sibi ignot̃, Ita q̃d' visum eiusdẽ habere non potuit, Ideo tibi p̃cipio pariterq; mando quod capias in Withern' catall' ad valẽc' dict̃ bouis de catall' dicti C.D. ad deliberand' pres. A.B. pro boue p̃d' sic elongat̃ et pon' per vad' et salvos pleg. p̃d' C.D. vt sup̃ *in the first replevin, &c.*

*Deliberatio.*

I.W. gen' Senes. R.T. miles cur̃ manerij sive hund' sui de A. R.F. ball' maner̃ sive hund' p̃d' necnon I.S. et R.B. balliuis hac vice tãt' salut̃ ex pte dñi regis vobis et cuilibet vr̃m cõiunct̃ et diuisim mando q̃d' deliberari fac' seu vnus vr̃m deliberari fac' C.D. aueria sua quæ A.B. cepit et iniuste detinet contra vad' et pleg' vt dicitur, Et q̃d' pon' seu etc. p̃d' A.B. q̃d' sit hic ad p̃x' cur̃ tenend' p̃s C.D. inde respons̃ur̃ de placito p̃d' et responsum huis p̃cept̃ mihi cõstare fac' seu, etc. ad prox' cur' dat', etc.

*Al' capias in Withernam.*

I.W. gen' Sen' R. T. mil' maner̃ sive hund' sui de A. balliuo hund' de A. necnon A.D. et C.B.

C.B. balliuis meis hac vice tantum itineranc̃ ſalut̃. Quia R.E. balliuus hundred̃ præd' ad cur̃ hundred̃ illius coram me tenc̃ apud A. tali die et anno &c. mihi returnauit quod virtute warranti mei ſibi plur̃ direct' acceſſit ad parcum I. D. apud locum vbi aueria prędict' imparcat̃ et detẽt fuerunt per eundem I. D. et aueria ill' eunt̃ et elõgat̃ fuerunt ante aduentum ſuũ extr̃ hundred' prędict' ad loca ſibi ignot̃ per prędict' I.D. p q̃ aueria præd' balliuus prędict' repleg' non potuit quare conſieſt per cur̃ volẽt malic' ipſius I. obuiar̃ quod aueria prędict' I. caperentur in Withernam ad valenciam etc. et ea præfat̃ A.B. deliberentur ſaluo et ſecur̃ cuſtodiend̃ donec eidem A.B. aueria ſua prædict' ſecundum legem repleg' poteſtis et iuxta tenor̃ mandati mei præd', Ideo vobis et cuilibet vr̃m conc̃ et diuiſim mando quod capiat̃ ſeu etc. aueria p̃d' I.D. ad valẽc' etc. in Withernam, & ea prędict' A.B. deliberari fac' ſeu &c. ſaluo et ſecur̃ cuſtod' quouſq; &c. Et diſtringat̃ ſeu &c. præf. I.D. Ita q̃d' ſit apud A. ad prox. cur̃ ibid' tenend' ad reſpondend̃ præfat̃ A.B. de placito prędict' et reſpõſ. hui' prędict' mei conſtare fac' ſeu &c. ad prox. cur̃ dat̃ ſub ſigillo officij mei tali die et anno &c.

Note that when the ſaid Repleuin is granted, there muſt bee a bond taken of him to whom it is granted, or of ſome other for him, to appeare at the next court, and to proſecute his

his suit with effect, or else it may be preiudicial both to the grantor of the Replenin, and to the executioner thereof, and the forme of that band and condition thereof is this.

*An obligation vpon a Replenin.*]

Nouerint vniuersi per præsẽtes me Antoñ D.deA. in com̃. S.gen' teneri et firmiter oblig' Richardo T. Mil' dom̃ hũdred̃ de A. in decem libr̃ bone et legal' monetæ Angl' soluẽd̃ eidẽ Richard̃ aut suo certo atturnato, executor̃, vel assignat̃ suis, ad quam quidem solutionẽ bene et fideliter faciẽd̃ obligo me hæred̃, exec', et administratores meos firmiter per prçsent̃, sigillo meo sigillat̃, dat̃ x.die Febr̃ añ regñ dom̃ nostri Iacobi dei gratia Angl', Scoc', Franc', et Hiberñ regis fidei defensor̃ &c. viz. Angl'. Franc', et Hiberñ, 14. et Scocię 50.

*The Condition thereof.*

The Condition of this Obligation is such, That if the aboue bounden A.D. doe appeare the next Court of the aboue named Sir R.T. to bee holden within this Manor of A. in the Countie of South-hampton, and then and there prosecute with effect his suit or action against A.B. for the wrongfull taking and detayning of his cattell, as he hath alleaged, and doe make returne thereof,

of, if returne thereof shall bee adiudged in the said Court by course of Law, and also do saue and keepe harmelesse the said J. W. Steward of the said court, and the bailifes in all things touching or concerning the granting or execution of the said Repleuin, without fraud, couin, or delay: That then this present obligation to bee void, and of none effect, or else the same to stand, remaine, and continue in force, strength, and vertue.

And if it bee ancient demesne, then they vse to acknowledge fines, and suffer recoueries of their land which they buy and sell within ancient demesne, and that is by the Kings writ of Right Close, issuing out of the Chancerie, directed to the bailife of the Court, and they are entred in the Court booke after this manner.

*Alton Westbroke, the forme and manner of a fine there.*

Cur̃ Ric' T. et H. vxor. eius ibid' tẽt die Iouis, viz. x. die I. ann' reg, &c. *reciting the stile of the K. at large* corã Rich. B. et I. insectatoribus eiusdẽ cur̃ scd'm cõs. eiusd' cur̃ a tempore cuius contrar̃ memoria hominum non existit.

Ad hanc cur̃ ven̄ I. M. in ꝓpria ꝑsona sua, et protulit hic in cur̃ breue dict' dom̄ regis de recto clauso versus I. F. et S. vx' ei⁹ balliuo Ri. T. mil' et H. vxor. eius manerij sui de Alton West-

Westbrooke directi in forma iuris scd̄m cōs. maner̄ p̄d̄ exequend̄ et termin' cuius quidem br̄is ten' sequit̄ in hæc verb. Iaco. etc. et sic recitad̄ tot̄ br̄ verbat̄, etc. sup quo p̄d̄ I. M. secund̄ cons. maner̄ p̄d̄ fecit ꝓtestation' ꝓsequi br̄e suū p̄d̄ versus p̄f. I.F. et S. vx' eius in forma et nat̄ br̄is dom̄ reg. de conuent̄ ad cōem legē ad finem inde int̄ eo de ten̄tis p̄d̄ cū ꝑtinen' in br̄e p̄d̄ spec' fiēd̄ et leuand̄ petend̄ q̄d̄ p̄d̄ I.F. et S. vx. eius teneant et iconvenc' de ten̄tis p̄d̄ cū ꝑtin' in Altō W. Et inuen' pleg. de pros. br̄e suū p̄d̄ viz. I. D. et R.R. sup quo ijdē I.S. et F. vx' eius solempn' exact' sunt et cōparuerunt, Et super hoc ijdem I.S. et F. vx' eius petūt licentiā concordandi cum p̄d̄ I.M. de placito prædict' et dant dom̄ pro tali licenc' iij. s. iiij. d.

Et est concord̄ talis scz. q̄d̄ I. F. et S. vx' ei' recogn' tēt̄ p̄d̄ cum pertinen' esse ius ips. I.M. vt ill' quę idem I.M. habuit de dono p̄d̄. I. F. et S. vx. eius, Et ill' remiser̄ et quiet̄ clam̄ de se et hęred̄ suis p̄f. I. M. et hęred̄ suis imperpet̄, et p̄terea ijdem I.F. et S. vx. eius concess. pro se et hęred̄ ipsius I. F. q̄d̄ ipse warr̄ tent̄ p̄d̄ cum ꝑtinen' p̄f. I.M. et hęred̄ suis cont̄ præf. I.F. et S. et hæred̄ prædict' I.F. imperpet̄, Et pro hac recog' remission' quiet̄ clam̄ warr̄ fine et concordia eidm̄ I.M. dedit p̄f. I F. et S. vx' eius xl. marc' sterling' etc.

**The stile of the Court must be set down as**

if

it is before in the fine mutatis mutandis, and is as occasion shall serue. Then thus:

*The forme of a Recouerie there.*

AD hanc cur̃ venerunt R.H. et T.S. in ꝓprijs personis suis, et protuler̃ hic in cur̃ breue domini regis de recto clauſ. versus I.M. balliuo R.T. Mil' et H. vxor̃ eius maner̃ sui de Alton' Westbrooke direct' in forma iuris scd̃m cons. maner̃ præd̃ exequend̃ et terminād̃, cuius quidem br̃is tenor sequitur in hæc verba, Iacobus etc. et sic recitād̃ breue verbatim vt supr̃ in the fine. Super quo prædict' R.H et T.S. scd̃m cons. maner̃ præd̃ fecerunt protestationem prosequi breue suũ p̃dict̃ versus præf. I.M. in form̃ et natura br̃is dom̃ regis de recto ad cõmunẽ legem. Et inuener̃ pleg' de prosequẽd̃ br̃e suũ prædict̃, viz. I.Doo, R.Roo, Et petũt processum eis fieri versus pręfat̃ I.M. scd̃m cõs. manerij prædict̃, Et præd̃ I.M. solempnit̃ exact' cõpetuit, Et venit hic in cur̃ in propria ꝑsona sua. Super quo ijdem. I.H. et T. S. petũt versus præfat̃ I.M. tenement̃ prædict' cũ pertin̄ vt ius et hered̃ suum. Et in quæ idẽ I.M. nõ habet ingress. nisi post disseisinam quã H. H. iniuste et sine iudicio fecit p̃f. R.H. et T. S. infra trigint̃ ann' etc. Et vnde dicunt quod ipsimet fuerunt seisit̃ de tenement̃ predict' cum pertinen' in dominico suo vt de feodo et iure tempore pacis tempore dom̃ regis nũc capiẽd̃ inde exples. ad valenc'

&c. Et in quæ, etc. et inde producunt ſect' &c.

Et præd. I.M. in propria perſona ſua ven et defend ius ſuum quando, etc. Et vocat inde ad warrant. I.F. qui præſens eſt hic in cur in propria perſona ſua, Et grat tenement prædict ei warrant, etc. Et ſuper hoc ijdem R.H. et T.S. petunt verſus ipſum I.F. tenement per warran ſuam tent pd cum ptin in forma pd, etc. Et vnde dicunt qd ipſimet fuerunt ſeiſit de tenemēt præd' cum ptin in dnico ſuo vt de feodo et iure tempor pacis tempor dni regis nunc capiend inde expleſ. ad valenc', etc. et in quæ etc. et inde pduc' ſect', etc. et præd' I.F. tenens p warrant ſuam defend ius ſuum quād, etc. Et voc' inde ad warrāt I.P. qui ſimiliter pſens eſt hic in cur in propria pſona ſua, et gratis tent pd' cū ptin' eis warrant, Et ſuper hoc ijdem R.H. et T. S. petunt verſus ipſum I. P. tenen' per warran' ſuū tenement pd cum ptin' in forma præd, Et vnde dicunt qd' ipſimet fuer ſeiſit de tent pd cum ptin' in dnico ſuo vt de feodo et in iure tēpore pacis tempore dni regis nunc capiend in expleſ. ad valenc', etc.

Et prædict' I.P. tenen' per warrant ſuū defendit ius ſuū quando, etc. Et ponit ſe in magn' aſſiſam dom regis, et petit recogn' fieri vtrum ipſe maius ius habet tenēd tent præd cū ptin' vt tenens inde p warr ſuā vt ille tenet. An pd R.H. et T.S. habend eadē tenement cū ptinen vt ill' ſuperius petit, etc. et pd R.H. et T.S. petunt licentiam inde interloquēd et habēt, etc.

Et

Et poſtea ijdē R.H. et T.S. reneneī hic in cur̄ ſcz. iſto eodē die in ꝑprijs ꝑſoñ ſuis, Et p̄d̄ I. P. licet ſolempñ exact' non reuenit ſed in contemptu cur̄ receſſit et defalt̄ fecit, Ideo cōſ. eſt per cur̄ q̄ præd' R.H. et T. S. recuper̄ ſeiſiñ ſuā verſ. p̄f. I.M. de tenement̄ pręd' cū ꝑtiñ tenēd' eiſdem R. H. T.S. et hæredibus ſuis quiet̄ de prædict' I.M. et hæred' ſuis, Ac etiam de præd' I.F. et hæred' ſuis, Et etiam de prædict' I.P. et hæredibus ſuis imperpetuum, Et quod idem I. M. habeat de terr̄ prædict' I. F. ad valenc', Et quod idem. I.F. habeat de terr̄ præd' I.P. ad valenc', Et idem I.P. in mīa, etc.

Ex' per I.W.
Seneſchallum ibm̄.

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**Now here doe follow diuers and ſundrie formes of declarations and pleadings incident and belonging to this Court, as followeth.**

*A declaration for a debt vpon a ſpecialtie.*

WIll. S. ſum̄ fuit ad reſpondend̄ E.F. de placito quod reddat ei 39.s. quos ei debet et iniuſte detinet, etc. Et vnde idem E. per I. B. attorn̄ ſuū dic' q̄ cum p̄d̄ quinto die Martij anno regni domini regis nunc Angliæ etc. decimo tertio. Apud A. infra iuriſdictionē huius cur̄ per quoddam ſcriptum ſuum obligatorium conceſſiſſet ſe teneri eidē E. in p̄d̄ 39.s.

soluend̄ eidem E. cum inde requisit̄ fuisset p̄d̄ tn̄ W. licet sepius requisit̄ prædict' 39.s.eidē W. nondum reddidit sed illos ei hucusque reddere contradixit, et adhuc contradic' vnde dic' quod deteriorat̄ est et dampnum habet ad valenc.xx.s.et inde produc' sect', etc. Et profert hic in Cur̄ script̄ prædict' quod debitum præd̄ in forma præd̄ testatur cuius dat̄ est die et anno suprad̄, etc.

Pleg. de proseq. { Ioh.Doo. Rich.Roo.

*Barre in Det.*

*Per prist à paler & offer.*

ET pręd̄ def. venit et def.vim et iniur̄ quādo, etc. Et dic' ꝙ ipse semper à pręd̄ quint̄ die Marcij an' supradict̄ hucusq; parat̄ fuit et adhuc existit ad soluend̄ p̄f.quer̄ pręd̄ 39 s. Et illos hic in cur̄ profert parat̄ ad soluend̄ super quo idem quer̄ 39.s ill' hic in cur̄ recepit, ideo p̄d̄ def. fit inde quietus, etc.

*A declaration vpon a bill Oblig'.*

I.H.fuit ad respondend̄ I. H. de placito quod redd̄ ei 30.s.quos ei debet et iniuste detinet etc. Et vnde idem I.H.per I.B. atturn' suū dic' quod cum p̄d̄ I.H. decimo quinto die Octob. anno regni domin' regis nunc Anglię, &c.14. hic apud S.infra iurisdiction' huius cur̄ ꝑ quādam billam suam obligator̄ quā idē I. Hamō

sigillo

ſigillo ipſius I. Holte ſigillat̃ hic in cur̃ profert cuius dat̃ eſt eiuſd̃ die et an' cognouiſſet ſe debere eidē I. Hamon xv. s. ſoluēd eidē I. Ham̃ exec', adminiſt. vel aſſig. ſuis in vel ſuper feſtū Penticoſt. tunc px̄ ſequen' dat̃ billæ p̄d', Et ad eand̃ ſoluc' bene et fidel' faciend̃ idē I. Holte obligaſſet ſe hær̃, exec', et admin' ſuos eidē I. Hāmon in pręd̃ xxx. s. quos ipſe cognouiſſet ſe p̄ billā ſuam p̄d̃ ſatisfacere pro non ſolutione p̄d̃ xv. s. Et idē I. Hamon in facto dic' q̄d' pręd̃ I. Holte non ſoluit eidem I. Ham̃. xv. s. nec aliquē inde denar̃ ſcd̄m form̃ et effect' billæ p̄d̃ per q̄d actio accreuit idem I. Ham̃ ad habēd̃ et exigend̃ de p̄f. I. Holte p̄d̃ xxx. s. p̄d̃ tamen I. Holte licet ſepius requiſit eoſdē xxx. s. eidē I. Hamon nond̃ reddidit ſed ill' ei hucuſq; reddere contradixit et adhuc cōtradic' vnde dic' q̄d' deterior̃ eſt et dampn' habet ad valenc' x. s. Et inde produc' ſect', etc.

*Barre per deins age.*

ET p̄d̃ I. Holte per I. F. attor̃ ſuū ven' et def. vim et iniur̃ quando, etc. Et dic' q̄d' ipſe de debito p̄d' virtut̃ bill' p̄dict' onerari non debet quia dic' q̄d̃ ipſe tempore confectionis bill̃ p̄d̃ fuit infra ætatē 21. an', Et hoc parat̃ eſt verific' vnde pet̃ iudic' ſi p̄d̃ I. Hamon actiōn ſuā p̄d̃ virtute bill̃ præd̃ in forma p̄dict' fact' verſus eum habere debeat, &c.

*Replic' & Reioinder.*

ET ꝑdict' I. Hamon dic' q̄d' ipſe per aliqua præallegat̄ ab actione ſua ꝑd̄ habend̄ precludi non debet quia dic' qd̄ ꝑd̄ I. Holt tẽpore confectiõ billæ ꝑd̄ fuit plene ætatis 21. ann' et non infra ætat', Et hoc pet̄ q̄ inquiratur per p̄riam, Et ꝑd̄ I. H. ſimiliṫ, Ideo duodecẽ &c.

*Det ſur reteiner pur wages.*

A.B.etc. ſum̄ fuit ad reſpond̄ C.D. de plito q̄d'reddat ei 39.s.q̄d'ei debet et iniuſte detinet etc.Et vnde idem C.p̄ D. W. attorn̄ ſuum dic' q̄d' cum ꝑd̄ A.x.die Martij ann' &c. apud S.infra iuriſd' huius cur̄ retinuiſſet ipſum C. ad deſeruiend' dicto A. ab eodem die per vnũ an' integrũ tunc ꝓx. ſequen' in officio vnius valeṫ ad præcep̄ et negotia ipſius A. q̄cũq; liciṫ et honeſta pro poſſe et ſcire ſuis agend' ſolicitãd' et exequend' capiend' de eodem A. ꝓ ſalar̄ ſuo per tempus illud 39.s. idemque C. ꝑd' A. in offic' ꝑdict̄ per tempus præd' bene et fideṫ deſeruiſſet, oĩa præcep̄ et negotia ſua licita et honeſta pro poſſe et ſcire ſuis per idem tẽpus bene et fideliṫ feciſſet ſolicitaſſet et execut̄ fuiſſet, ac ꝑdict̄ 39.s. eidem C. ꝓ ſalario ſuo ꝑd̄ per tempus præd' arretro exſtitiſſent non ſoluṫ per q̄d' actiõ accreuit eidem C. ad exig' Id' et habẽd' de præf. A. eoſdem 39.s. prædict̄ tamen

men A. licet̃ ſepius requiſit præd̃ 39. s. eidem C. nondum reddidit ſed illos ei hucuſq; reddeꝛ̃ contradixit et adhuc contradic' vnde dic' q̃d' deterioꝛ̃ eſt, et dampnum habet ad valenc' x. s. Et inde produc' ſect̃, etc.

*Barr' per rieu luy doit.*

Et prædict̃ A.B. per I.W. atturn̄ ſuum ven' et defvim et iniuriam quando, &c. et dicit q̃d' ipſe non debet præfat̃ C.D. prædict̃ 39. s. nec aliquem denaꝛ̃ inde in forma qua idem C. ſuperius verſ. eum warrant̃, Et hoc pet̃ quod inquiratur per patriam, Et prædict̃ A. ſimil', &c. Ideo 12. &c.

*A confeſſion in debt.*

Et p̃d' A. per I.W. atturn' ſuum venit, &c. Et dicit quod ipſe non poteſt dedicere actionem prædict' C. præd̃ nec quia ipſe debet præf. C. prædict' 39. s. prout prædict' C. ſuperius verſ' eum narrauit, Ideo conc' eſt q̃ pręd' C. recuperet verſus præfat', A. debitum ſuum præd' et dampna ſua occaſione detentionis debiti illius ad 40. s. eidem C. ex aſſenſu ſuo per cuꝛ̃ hic adiudicat̃, Et p̃d' A. in mīa, &c.

*Det ſur mutuatus.*

A.B. attach. eſt ad reſpond̃ E.E. de placito quod reddat ei 30. s. quos ei debet et iniuſte detinet, Et vnde idē E. F. per I.W. atturn' ſuū

dicit quod idem prædᵗ A.B. 10. die F. ann' etc. apud, etc. infra iuriſdiction' huius Curᵉ mutuat fuiſſet de eodem E.F. prædᵗ 30.s. ſoluendᵗ eid. E.F. cum inde requiſit fuiſſet, prædᵗ tamē A.B. licet ſepius requiſitᵉ prædᵗ 30.s. eidem E.F. nō-dum reddidit ſed illᵉ ei hucuſque reddere contradixit et adhuc contradic', vnde dic' q; deterioratᵉ eſt, Et dampn' habet ad valenc' x.s. Et inde ꝓduc' ſectam, etc.

*Imparlance.*

Et prædᵗ A.p S.T. atturnᵉ ſuum ven' et def. vim et iniurᵉ quādo, &c. Et pet licenc' inde interloquendᵗ hic vſq; ad prox. curᵉ, Et habet, &c. Idem dies datᵉ eſt præf. C. hic, &c.

*Per minas.*

Et prædᵗ W. per N.E. atturn' ſuū ven' et def. vim et iniurᵉ quando, etc. Et dicit quod ipſe de debito prædict' virtutᵉ ſcriptᵉ onerari non debet quia dic' quod prædᵗ R. tempore confectionis ſcriptᵉ prædict' eidem W. tales et tātas minac' de vita ſua et mutulatione membrorū ſuorū ſibi inferendᵗ niſi ipſe ſcriptᵉ prædᵗ præfat R. facere et ſigillare vellet apud A. infra iuriſdictionē huius curᵉ impoſuit q; idem W. ſcriptᵉ illud ob metum minarum illarū præf. R. adtunc et ibidem fecit, Et hoc paratᵉ eſt verificare vnde petᵉ iudic' ſi prædᵗ R. action' ſuam predᵗ virtutᵉ ſcriptᵉ predict verſus eum habere debeat &c.

Et

Et p̄d' R. dic' q̄d' ipse per aliqua preallegat̄ ab actione sua præd̄ habend̄ p̄cludi non debet quia dic' q̄d' præd' A. tempore confectionis script̄ præd' fuit sui iuris ad largū et script̄ illud ex mera et spontanea voluntat̄ sua præfat̄ W. fecit et non ob metum minar̄ prout præd̄ R. placitando allegauit, Et hoc pet̄ q̄d inquirat̄ per p̄riam, Et præd̄ R. scz. Ideo xxij, &c.

*Barr' per protestationem.*

Et prædict̄ A.B. per T.C. attorn' suū ven' et def. vim et iniur̄ quando, &c. Et dic' q̄d' p̄dict' R. S. action' suam p̄d̄ inde versus eū haber̄ seu manutener̄ non debet quia protestād̄ q̄d̄ null̄ talis collocutio int̄ p̄f. A. et R. habit̄ fuit ꝙ idē et deliber̄ præf. R. præd' duas pecias, &c. in ꝑt̄ satisfaction' p̄d̄ 39. s. in narr̄ præd̄ spec' protestando etiam ꝙ p̄dict̄ A. non adduxit secū p̄d̄ C. in narr̄ pręd̄ etiam spec' ad pręd̄ duas pecias, &c. asportand̄ ad decipiend̄ et defraudand̄ præd̄ R. de p̄d̄ duabus pecijs prout in narr̄ p̄d̄ super̄ suppon' ꝓtestando etiā ꝙ præd̄. A. adhibens fidē assumptioni præd̄ R. non deliberauit præf. C. pręd' duas pec', etc. per limitation' et assumps. dicti A. ꝓut in narr̄ pręd̄ etiā suppon' ꝓtestando etiā ꝙ quedā collocutio habita fuit inter prædict̄ A. et R. q̄d̄ præd̄ R. deliberaret in mutuo p̄f. A. 29. s. in pecunijs numerat̄ sub cert̄ condic' et super inde concord̄ non potuer̄ Ideo pręd. locut̄ vacua et nulli⁹ vigor̄ fuit, Et ꝓ placit̄ idē A. dic' ꝙ ipse non ꝓmisit nec super

per se assumpsit modo et form̄ ꝓut præd. R. sup̄ vers. eū q̄rit̄, Et hoc pet̄ ꝙ inquir̄ per p̄riā Et præd̄ A. simil', Ideo 12.etc.

*Barr' per concord.*

Et prædict̄ A.per I.W. Attum̄ suum ven' et def.vim et iniur̄ quando, etc.Et dic' ꝙ præd' C. action̄ suā præd̄ inde vers. eū hēre seu manutener̄ non debet quia ꝓtestand̄ ꝙ non cogn' aliqua in narr̄ præd̄ fore vera ꝓ p̄lito tamē dic' ꝙ post assumption' et ꝓmission' pd̄ fieri,sc.10. die M. an', etc. apud, etc. int̄ eund' A. pf.C.tā de assumptione et promiss. præd̄ quā de oībus alijs transgr̄ et offenc' int̄ ipsum A. et præf. C. ante eund' 10. diē M. habit̄ fact' mot̄ et perpetrat̄ siue penden̄ per mediation̄ amicorū suor̄ inter eos amicabilit̄ int̄venien' talis habebat̄ concordia,viz. ꝙ idē I.in plen' satisfact' et relaxation' tā assumpt̄ vnde præd' R. superius se modo quer̄ quā oīum alior̄ transg. et offenc' ꝑ ips.I.ante tēpus illud præf. R. fact̄ daret eidem R.2.vacc' et ꝙ idē I. extunc vers. præf.R.tā de assump. et ꝓmission̄ præd̄ quā de oībus alijs transgr̄ et offenc' esset quiet' imperpet̄, Et idē I. dic' ꝙ ipse adtunc et ibid̄ dedit et deliberauit p̄f.R. 2.vacc',Idēq; R.2. vacc' ill' de eod̄ I. adtunc et ibm̄ recepit iuxta form̄ et effect' cōcordij p̄d̄, Et hoc parat̄ est verificar̄,&c.

*Nul*

*Nul tiel concord.*

Præcludi non quia dic' q̄ non habeat aliqua talis cõcordia int̄ ipſ. R. et p̄f. I. modo et form̄ quibus idē I. ſuper in barr̄ placitād' allegauit, Et hoc pet̄ q̄ inquirat̄ p̄ p̄riã, Et p̄d' I. ſim̄. Ideo xij, &c.

*Count ſur bailement per auter maine.*

T.G. ſum̄ fuit ad reſpond' N.P. de pl'ito q̄d' redd' ei 30. s. quos ei debet et iniuſt' detin̄, &c. Et vnde idē N. p̄ R.L. at̄t ſuũ dic' q̄ cum quid P.R. vlt̄ die I. añ reg. dñi regis nũc Ang. &c. x. apud B. infr̄ iuriſd' huius cur̄ liberaſſet p̄f. T.G. p̄d' 30. s. ad ſolvend' et deliberād' eidē N. quãdocunq; præf. T.G. ipſ. N. foret requiſit præd' tñ T.C. licet ſepius requiſit p̄d' 30. s. eidē N. nõd' reddidit ſed ill' ei hucuſq; reddere contradixit et adhuc contradic' vnde dic' q̄ deterior̄ eſt, et dãpn̄ habet ad valenc' x. s. Et inde p̄duc' ſect' etc.

*Rien luy doit per ley.*

Et p̄d' T. p̄ B.C. at̄t ſuũ veñ et def. vim et iniur̄ quando, etc. Et dic' q̄ ipſe nõ debet p̄f. N. præd' 30. s. nec aliquē denar̄ inde form̄ qua idē N. ſuper verſ. eũ narrauit, Et hoc parat̄ eſt defendere cont̄ ipſ. et ſect' ſuã p̄ legē ipſi' T. p̄ut cur̄ hic conc' inde faciend' etc. vnde pet̄ iudic' ſi p̄d' N. actiõn ſuã p̄d' verſ. eum manutenere debeat, etc.

*Demur-*

*Demurrer superinde.*

Et præd̄ N.dic' p̄d̄ defensio p̄d̄ T. ꝑ legem suā faciēd' prętēsa nō est sufficiens exit nec admittabilis ad ips. T. cont̄ p̄d̄ mater̄ in narration̄ ipsius N. content ab actione sua ꝑd̄ habēd̄ pręcludend̄ vnde pet̄ iudic' et debit pręd̄ vna cum dāpnis, etc. ꝑ defectu sufficient̄ responsionis et exitus in lege sibi adiudicari, etc.

Et præd' T. ex quo præd̄ responsio et dict̄ defensio sua ꝑ legē suā faciend̄ in form̄ præd̄ p̄rens. sufficientes responsio et exitus admittabiles sūt in lege ad præd̄ N. ab actione sua præd̄ habend̄ pręcludend̄ et pd' N. legē ipsius T. in hac ꝑte faciend' admittere omnin̄ recusat petit iudic' et ꝙ p̄d̄ N. ab actione sua pd' habend̄ pręclud̄, &c.

*Det port per exec' vers. exec' sur spec'.*

A. T. exec' test' T. B. sum̄ fuit rendend̄ E. W. exec' test. S. A. de pl'ito ꝙ ipse simul cū C. coexecutor̄ præd' T. test. præd' T. redd̄ ei 38. s. quos ei iniuste detin̄, etc. Et vnde idē E. ꝑ I. W. att̄ suum dicit q̄d' cum prędict' T. B. vicesimo die Augusti anno etc. apud P. infra iurisdictionem huius Cur̄ per quoddam scriptum suum obligatorium concessit se tenere eidem S. in prædict' 38. s. soluend̄ eidem S. in fest. &c. prædict' tamen T. in vita sua nec prædict' execut̄ test' post mort̄ eiusdem T. licet sepius requisit̄ præd. 38. s. præf. S. in vita sua nec eisdē execut̄

post

poſt mort̄ eiuſdem S. nō reddiderunt ſed ill' ei reddere contradixerunt et adhuc contradicūt et ill' ei adhuc iniuſte detinēt vnde dic' q̄ deterioraī eſt et dampn̄ habet ad valenc' x.s. Et inde ꝓduc' ſect', etc. Et ꝓfert hic in cur̄ tā ſcript̄ prēd quā alias teſtam̄ per quas ſatis liquet ipſ. E. fore exec' teſt' præd S.

*Det port per adminiſtr'.*

W.W. ſum̄ fuit ad reſpond̄ I.A. adminiſtratrici oīum et ſingul' bonor̄ et catall' quæ fuer̄ L. A. qui obijt inteſt' vt dicitur de placito q̄d reddat ei 39.s. quos ei iniuſt' detin̄, &c. Et vnde eadē I. p I.W. atturn̄ ſuū dic' q̄ cū præd'. W. tali die et ann̄, etc. apud S. infra iuriſdict̄ huius cur̄ per quandā bill' ſuam oblig. quam eidem I. ſigill' præd' W. ſignāt hic in cur̄ profert cuius dat̄ eſt eiſdē die et an' cognouiſſet ſe deber̄ ꝑf. L. prædictos 39.s. in vita ſua ſoluend' eidem L. apud talem feſt. ꝓx, etc. Et ad eādem ſolution̄ bene et fidel' faciēd' præd' W. obligaſſet ſe her̄ et execut̄ ſuos per eandem bill' præd' tamē W. licet ſepius requiſit̄ præd' 39.s. præf. L. in vita ſua ſeu eodem I. poſt mortē ejuidem L. cui adminiſtr̄ oīum bonor̄ et catall' quæ fuer̄ præd. L. tempor̄ mortis ſuæ per W.L. Legū Doctor̄ cur̄ prerogatiuę Cantuar̄ Magiſter̄ 20. die Maij, an̄ dñi 1616. apud L. prēd' poſt mortem præd' L. commiſſus fuit nō reddidit ſed ill' ei redder̄ contradixit et ill' eædem I. redder̄ contradic' ac iniuſte detinet vnde dic' q̄ deterioraī eſt, Et dampn̄

dampñ habet ad valenc' 20.s. Et inde produc' ſect' &c. Et ꝓfert hic in cur̄ litter̄ adminiſtr̄ ꝓd' W.C. per quas, etc.

*Non ſum informatus.*

Et prædict' W. per N.E. atturn' ſuum ven' et def. vim et iniur̄ quando, &c. Et dict̄ eſt eidē atturn' eiuſdem W. q̄ pro eodem W. magiſtro ſuo pref. I. in loquela præd' reſpond', Et idem atturn' dic' q̄ ipſe non eſt informatus per eundem W. magiſtrum ſuū de aliquo reſponſ. pro eodem W. præf. I. in loquela prædict̄ dand', Et nihil aliud inde dicit ꝑ q̄ idem I. rem̄ verſ. ꝓef. W. inde in def. Ideo conc' eſt q̄ prędict̄ I. recuperet verſus ꝓd. W. debit̄ ſuū ꝑd' et dampn' ſua occaſion' detenc' debit̄ illius ad 56.s. eidem I. ex aſſenſu ſuo per cur̄ hic adiudicat̄ et ꝑdict̄ W. in mīa, &c.

*Plene adminiſtrauit.*

Et prędict̄ A. per T.B. attorn' ſuū ven' et def. vim et iniur̄ quando etc. Et dic' q̄d' ꝑdict̄ q̄r̄ actionem ſuam præd' verſus eam habere non debet quia dic' q̄d' ipſa plen̄ adminiſtrauit oīa bona et catalla quæ fuer̄ ꝑdict̄ I. tempor̄ mort̄ ſuæ, Et q̄d ipſa null' habet bona ſeu catalla quæ fuer̄ eiuſdem I. tempore mortis ſuæ in manib⁹ ſuis adminiſtrand' nec habuit die intrationis placiti ipſius quer̄ nec vnquam poſtea, Et hoc parat̄ eſt verificare vnde petit iudic' ſi prędict̄ quer̄ actiō ſuā ꝑd' verſus eū habere debet, &c.

*Replica-*

*Replication & reioinder.*

Et ꝑd̄ queř dicit ꝙ ipſe ꝑ aliqua preallegaꝫ ab actione ſua ꝑd̄ habend̄ ꝓcludend̄ nō debet quia dicit ꝙ pd' defend̄ dicit intratione placit̄ pd' queř ſcz. tali die an', etc. habuit diuerſa bona et catall' q̄ fuer̄ pd' I. tempore mort̄ ſue in manib⁹ ſuis adminiſtrand̄ ad valenc' debit̄ pd̄ vnde eidē queř de debit̄ illo ſatisfeciſſe potuit viz. apud A. infra iuriſd̄ hui⁹ cur̄, Et hoc pet̄ ꝙ inquirat̄ per p̄riam, Et pd' def. ſcz. Id. 12, &c.

*A ſpeciall non eſt factum.*

Et pd̄ def. per G.P. att̄ ſuū veñ & def. vim et iniur̄ quādo, &c. et dic' ꝙ ipſe de debit̄ predict' virtute billæ ꝑd̄ onerari non debet quia dic' ꝙ poſtquā idem def. ſigillauit et deliberauit billā pd̄ ꝑf. queř billa illa de nouo ſcript̄ et interlineat̄ fuit in iſtis verbis, viz. Th. Curweñ per ꝙ billa illa ſic de nouo ſcript̄ et interliniat' vim ſuā perdidit et effectū. Et ſic billa pd̄ non eſt fact. ſuū, Et de hoc poñ ſe ſup̄ p̄riam, Et pręd' queř ſcz. &c. Ideo, xij. &c.

*Nihil dic' indebito.*

Et prędict' defend̄ per A.B. atturñ ſuū veñ et defend' vim et iniur̄ quādo, &c. et nihil dic' in barr̄ actionis prędict queř præd' per quod idem queř remān' verſus eundem defend' inde in def. Ideo conc. eſt quod prædict. queř recuperet verſus præf. defend' debitū ſuū ꝑd̄ et dampna

dampna ſua occaſione detentionis debiti illi⁹ ad x.s. eidem quer̄ ex aſſenſu ſuo per Cur̄ hic adiudicat̄ et præd'. def. in mia, &c.

*Action ſur le caſe ſur indebitatus aſſumpſit.*

G.D. per R.M. attorn' ſuum queritur verſ. R. D. de placito treſpas ſuper caſum, pro eo quod cum predict' def. indebitatus fuit præfat̄ quer̄ in xj.s. legal' monet̄ Angl' ꝑ vna tunica Anglice a Jerkin p ipſ. quer̄ ꝑſ defend̄ prius vend̄ et deliberat̄, Et ſic indebitatus exiſtens poſtea ſcz. 1. die I. an', etc. apud S. infra iuriſd̄ hui⁹ cur̄ ꝑd̄ def. in conſideratione inde ſuper ſe aſſumpſit, et eidē quer̄ adtunc et ibm̄ fideliter promiſit ad ſoluend̄ eidē quer̄ præd̄ xj.s. præd̄ tamē def. ꝑmiſſ. et aſſumpt̄ ſuas ꝑdict̄ minime curās ſed machiāns ipſ. quer̄ de præd'. xj.s. calide decipere et defraudare præd'. xj.s. eidē quer̄ nondū ſoluit licet eidē quer̄ ſoluend' poſtea ſc. dictis die ann' et loco infra iuriſ. hui⁹ cur̄ per ipſ. quer̄ requiſit̄ fuit ad dāpn' ipſius quer̄ x.s. Et ind' produc' fuit', etc.

Pleg' de proſeq. { Io. Doo. / Ric. Roo.

*Alit' indebit' aſſumpſit.*

I.C. attach. eſt ad reſpond' I.W. de placito tranſgr̄ ſuper caſum, et vnde idem I.P. per I.S. atₜ̄ ſuum die' quod cū prædict' I.C. primo die Oct. an', etc. hic apud S. infra iuriſdiction' huius

huius Cur̄ indebitatus fuisset præfat' I.W. in summa 38. s. legal' monet̄ Angl' pro arrerag. reddit vnius mesuag. et vnius acrę terræ et pro diuersis denar̄ summis in mutuo deliberat̄, Ac etiam pro diuersis alijs rebus eidem I. per prædict' I. ante tempus illud debit̄ et solubil', et sic inde indebitat̄ existen̄ idem I.G. in cōsideratione inde super se assumpsit quod ipse idem I.C. præd̄ 38.s. eidem I.W. cum inde requisitus fuisset bene et fidelit̄ soluere et contentar̄ vellet, prædict' tamen I. C. promissiōn̄ et assumpt̄ suas præd̄ minime curans sed machinās et fradulenter intendens eundem I.W. in hac parte callide et nequiter decipeř et defraudere prædict̄ 38.s. eidem I. iuxta promiss', et assump̄ suas prædict̄ licet ad hoc postea scz. 10. die Oct. an̄ regni dñi regis nunc xiij. suprad̄ apud S. præd̄ per eundem I. requisit̄ fuit non soluit sed illos ei omnia hucusque soluere contradixit, Et adhuc contradic' vnde dic' q̄d̄ deteriorat̄ est, et dampn̄ habet valenc' x.s. Et inde produc' fect̄,&c.

*Non assumpsit.*

Et præd̄ I. per I. W. attorn̄ suum ven̄ et def. vim et iniur̄ quando, etc. Et dic' qd̄ nō assūpsit eidem quer̄ modo et form' prout præd̄ quer̄ superius versus eum querit. Et de hoc ponit se super p̄riam, et prædict̄ quæ similit, Id' xij,&c.

*Actiõ ſur le caſe ſuper inſimul computauer'.*

R.S. queritur de N.W. de plac' trãſgr̃ ſuper caſum pro eo viz. q̃d̃ cum quidã H.W. et R.H. 2. die I. ann', etc. apud A. infra iuriſdictiõ hui⁹ cur̃ inſimul computauer̃ cum eodẽ R. de diverſis denar̃ ſummis ante tempus illud pro arrerag' reddit et al' rebus eidẽ R. per p̃d̃ H. et R. debit et ſolubil' et ſuper cõp. illo ijdẽ H. et R. inuenti fuiſſẽt in arreragijs erga præd̃ R. in ſũma 36. s. legal' monẽt Angl' ſoluend̃ eidem R. cum inde requiſit eſſenr cumq; etiam p̃d̃ W. adtunc et ibid̃ ſimilit eodem 2. die I. anno 8. ſupradict apud A. præd̃ inſtãtiſſime requiſiuit præd̃ R. quatenus idẽ R. acquietaret et exoneraret præd̃ H. et R. de præd̃ 36. s. præd̃ N. in conſideratiõ inde ſuper ſe aſſumſit et eidem R. adtunc et ibid̃ fidelit promiſit q̃ ipſe idem N. p̃d̃ 36. s. eidẽ R. cũ inde requiſit eſſet bene et fidelit ſoluere et contẽtare vellet. Et idẽ R. in facto dic' q̃d̃ ipſe fidẽ adhibens promiſſioni et aſſumptioni ipſius N. p̃d̃ adtũc & ibid̃ acquietauit et exonerauit p̃d̃ H. et R. de p̃d̃ 36. s præd̃ tamẽ N. ꝓmiſſ. et aſſump' ſuas ad̃ minime curans ſed machinans et fraudulẽt intendens eundem R. in hac ꝑte calide et nequiter decipere et defraudare p̃d̃ 36. s. eidem R. licet ad hoc apud A. p̃d̃ infra iuriſdictiõ p̃d̃ poſtea ſcz. vltimo die I. anno regni dicti dñi regis nunc 8. ſuprad̃ per præd̃ R. requiſit fuit non ſoluit

ſoluit nec aliqualiter ꝑ eiſdem hucuſq; contẽtauit per q̃ idem R. dic' quod ipſe totũ lucr̃ commodũ et proficuum quæ ipſe cum præd' 36.s. emendo vendẽdo liciteq; barganizando habere et lucrare potuiſſet ſi præd' M. ꝑmiſſ. et aſſumpt ſuas pr̃d' ſic in forma præd' fact̃ tenuiſſet et performaſſet totaliter ꝑdidit et amiſit vnde idem R. dic' quod deteriorat̃ eſt, Et dampnum habet ad valenc' xx.s. et inde produc' ſect̃, etc.

*Action ſur le caſe ſur indebit aſſumpſit.*

T. E. queritur verſ. B. B. de placito trãſgr̃ ſuper caſum per eo viz. q̃ cũ præd'. B. primo die I. añi regni dñi regis nunc Angliæ, etc. nono apud A. infra iuriſdictionem huius cur̃ in cõſideratione quod præd'. T. ad ſpecialẽ inſtãc' et requiſitionem ipſius B. adtunc et ibidem mutuo dediſſet et accommodaſſet eidem B. 30.s. bonæ et legalis monetæ Angliæ ſuper ſe aſſumpſit et eidem T. adtunc et ibidem fidelit̃ promiſit quod ipſe eidẽ B. 30.s bone et legalis monetæ Angliæ eidẽ T. cum inde requiſit̃ eſſet bene et fidelit̃ ſoluere et contẽtare vellet, prædict', tamen B promiſſ. et aſſũmpt ſuas prædict' minime curãs ſed machinãs prædict̃ T. de prædict' 30.s. calide et ſubdole decipere et defraudare prædict 30.s præfat̃ T. licet per eundem T. poſtea ſcilicet primo die Octob. añ̃, etc. ſuprædict' apud A. prædict' requiſit̃

fuiſſet iuxta promiſſ. et aſſūpſ. ſuas præd' nō-dum ſoluit nec aliqualiter contentauit per q̄d prædict' T. in nedēc' ſua erga diuerſ. dicti dni regis nunc ſubdit et p̄cipue erga F. M. cui idē T. in conſil' ſumm̄ 30.s. indebitat̄ fuit, Ac cui idem T. eoſdē 30.s. ad rect' diem iam diu præ-terit ſuper ſpe fidel' performationis ꝑmiſſ. et aſſumpt p̄d' ſoluere et contentare promiſſerat multipliciter leſus et deter̄ eſt, Et dampn̄ ha-bet ad valenc' 20.s. Et inde ꝑduc' fect', etc.

*Plaint ſur Repleuin.*

Willel. L. ſum̄ fuit ad reſpondend' Will. B. de placito captionis et iniuſte detētionis aue-riorum ſuorum, Et vnde idem W. B. per R. D atturn' ſuum de quo præd' W. L. quinto die Decembris anno regni domini regis nūc An-gliæ, etc. xj. apud Q. in quodam loco ibidem voc' Buſhie Cloſe ipſius W. B. infra iuriſdicti-onem huius cur̄ cepit auerior̄, viz. vnam vaccā ipſius W. B. et eam iniuſte detenuit contr̄ vad' et pleg' quouſq; vnde dic' quod deterioratus eſt, Et dampn̄ habet ad valenc' 39.s. Et inde produc' fect', etc.

*Auowrie pur damage feſant in ſon franktenement.*

Et p̄dict' W. in propria perſona ſua ven̄ et defend' vim et iniur̄ quād, &c. & bene aduoc' captiō

captioñ aueriorum præd̄ in præd̄ loco in quo etc. et iniuste, etc. quia dic' q̄d' præd̄ loc' in quo sup. capt̄ auerior̄ præd̄ fieri est et præd̄ tēpor̄ captionis præd̄ supponit̄ fieri fuit solū et liber̄ tent̄ ipsius W. Et q̄d' vacca præd' fuit eodem tempore in eodē loco herbā ibm̄ tunc crescēñ depascen' et dampnum facieñ per q̄d̄ idē W. vaccam ill' adtunc et ibm̄ sic dampnū facien' cepit et imparcauit ꝓut ei bene licuit, Et hoc parat̄ est verificare vnde petit iudic' et retorñ aueriorū præd' sibi adiudicari &c.

*Auowrie aliter vnum in iure suo proprio & alit' vt seruicien' per eius precept.*

Et p̄d̄ T.B. et C.B. per W.C. att̄ suum ven' et defend̄ vim et iniur̄ quād, etc. Et dic' ꝙ præd̄ R.B. est et præd̄ tēpore captionis auerior̄ p̄d̄ fieri supponit̄ fuit seisit̄ de quodā claus. voc' le Coniger in p̄d̄ villa de E. infr̄ iurisdiction' huius cur̄ in dom̄ suo vt de feodo, q̄ quidē Equa præd' tēpore quo, etc. fuit in eadē clausa voc' *the Coniger* herbā suā ibm̄ depascent̄ et dāpnū in eodem clauso facieñ per ꝙ ipsē idē R.B. in iure suo proprio, Et præd̄ T.B. per ei⁹ præcept̄ ceperunt equā ill' et eam imparcauer̄ ꝓut eis bene licuit, Absq; hoc ꝙ ipsi ceper' equam p̄d̄ in p̄d̄ loco voc' *the common Meade*, ꝓut prædict̄ W.T. versus eos queritur, Et hoc parat̄ sūt verificare, vnde pet̄ iudic' et retorñ auerior̄ p̄d̄ sibi adiudicari, etc.

*Auowrie pur amerciament in Leet.*

Et præd L.P. per T.R. atr̄ suum ven̄ et def. vim et iniur̄ quādo, &c. Et ut balliuus T.H. ar̄ bene cognouit caption̄ iuuence præd in præd loco in quo, &c. Et iuste, &c. Quia dic' q̄ idē locus in quo supponit̄ caption' iuuence præd fieri cōtinet et præd tempore quo supponit̄ captionem iuuence præd fieri cōtinebat in se 12. acras tr̄ voc' Reke fields in W. præd infr̄ pręcinct' cur̄ vis. franc' pleg. dicti T.H. infra maner̄ suum de M. tenend in comit̄ South. prædict. de quo quidem maner̄ cum pert̄ ante prædict. temp⁹ quo, etc. et eodem tēpore quo. &c præd T.H. fuit seisit̄ in dn̄ico suo vt de feod, infra q̄ quidem maner̄ idem Thom̄ et omnes ill' quor̄ statum idem T. modo habet et præd tempore quo, etc. habuit in maner̄ præd cum pertin̄ a tempore cuius contr̄ memor̄ hominum nō existit habuerūt et habere, tenere, et custodit̄ cōsueuer̄ cur̄ vis. franc' pleg. bis ꝑ ann̄, viz. semel infra mens. ꝓx. post fest. Pasch, et iterum infra mens. ꝓx' post fest. sancti Mich. Arch. apud maner̄ illud cor̄ Senes. manerij illius pro tēpore existen̄, Et omnes inhabitantes et residētes infra maner̄ illud, ad cur̄ vis. frāc' pleg. maner̄ præd vsi fuer̄ compar̄ et ibm̄ onerari et iurari de et super oībus articulis qui ad cur̄ vis. franc' pleg. p̄d pertinēt ad inquirend. Quodque p̄d T. ac omnes illi quor̄ statum idem T. in

manerio

manerio prædᵗ cum pertinen' modo habent et prædᵗ tempore quo, etc. habuerũt, ac a toto tẽpore prædict' vſi fuerunt diſtringere pro pœnis et amerciamentis in eadem cur̃ vic. franc' pleg' imponit, Et idem L. dicit quod ante prædᵗ tempus quo, etc. ſcz. ad quandã cur̃ vic' frãc' pleg' tent̃ apud manerium prædᵗ infra mẽſẽ p̃x. poſt feſt. ſancti Mich. Archangeli, ſcz. 30. die Septembris añ regni domini regis nunc Angliæ, etc. decimo, coram W. Y. geñ adtunc ſeneſchallo cur̃ vic' franc' pleg. manerij ſui prædᵗ per quoſdam Iohañ N. etc. recitandᵗ omnes Iur̃ per nomina in eadẽ cur̃ vic' frãc' pleg' de hijs quæ ad cur̃ vic' franc' pleg. prædict̃ p̃tinent̃ onerat̃ et iurat̃ ad inquirendᵗ ſuper eorum ſacramẽtum præſent̃ fuit quod prædict' W. T. reſideñ et inhabitan' infra præcinctum cur̃ vic' franc' pleg. prædᵗ adtunc exiſtebat, ac q̃dᵗ diuerſ. ſepes ipſius W. infra præcinctũ manerij prædᵗ incluſe iacebãt ad nocumen̄ diuerſ. inhabitan' infra manerium prædict' per q̃ adtunc & ibñ præcep̄ fuit eidem W. T. ſufficien̄ facere ſepes ſuas, viz. apudle home breach verſus viam regiã et ſepes ſuas verſ. venellũ voc' Morie Lane, etc. ante decimum quintum diẽ Octobris tunc prox' futur̃ ſub pœna xx. s. ante quẽ diem idem Will. ſepes ſuas prædict' nõ fecit ſecũdum præcep̄ Iur̃ prædᵗ per quod prædᵗ pœna prædictorum xx. s. per prædict. Will. T. forisfact' fuer̃, Et quia prædict' viginti ſolidᵗ pro pœna prædᵗ prædᵗ tempore quo, etc.

pręſ. T.H. aretro fuerũt inſolut idẽ L. vt balliuus p̃d' T. pro eiſdem xx.s. pro pœna p̃d' arretro exiſten' inſolut bene cognouit captionẽ iuuenc' p̃d' in p̃d' loco in quo, etc. Et iuſte, etc. infra p̃cinct vic' franc' pleg. prædict, etc.

*Barr' quant auers enter pur default de inclo-ſure et que lauowant doit faire.*

Et pręd' T. dic' q̃ præd' E. captionem auerio-rum pd' ratione præallegat iuſt' aduocare nõ debet quia dic' q̃ i' tempor captionis pręd. fact quidam W. C. fuit ſeiſit de quodã clauſo voc' R. in M. in comitat prædicto in prædicto loco vocat G. cõtigne adiacẽ in dominico ſuo vt de feodo idemq; W. ſic inde ſeiſit ante idẽ tẽpus quo. etc. apud A. clauſum illud dimiſit eidem S. habend ſibi ad voluntatem dict' W. quo prætextu idem T. tẽpore captionis prędict fact de clauſo illo fuit poſſeſſionat, Ac præd' E. eodẽ tempore fuit ſeiſit de predicto clauſo vocat G. in dominico ſuo vt de feodo, idemq; E. et oẽs illi quorum ſtatum ipſe tunc habuit in loco ill' fecer et reparauer et vſi fuer facere et reparare quoties neceſſe fuit quandã ſepem ſiue clauſur dict' locũ voc' G. a p̃dict' clauſo voc' M. penitus ſeparãt et def. a tempore cuius contrarij memoria homin' non exiſtit, Et idem T. dicit q̃ ipſe de p̃dicto clauſo vocat M. virtute admiſſionis prædict' poſſeſſionat' ante predict' tempus quo, &c. poſuit auer

ſua

ſua prēd' in clauſ. illud ad depaſcend' ibm̄. Et ꝓ eo q̄ ſepes prēd' E. tempor̄ caption' prēd' fact̄ et antea ꝓ defectu reparationis inde in diuerſ. partibus eiuſdem rupt̄ fuit et vaſtat̄ auer̄ia p̄d' in clauſ. ill' in prēd' loco vocat' G. per rupt̄ ill' tempore caption' p̄d' euaſer̄ et intraueř, Et p̄d' E. tunc ibm̄ exiſtens aueria ill' tunc ibm̄ cepit prout per narr̄ prēd' ſuppon', Et hoc parat̄ eſt verificare vnde pet̄ iudic' et dampna ſua occaſion̄ captionis illius adiudicare, etc.

*Replic' quer' le incloſure fuit ſufficient.*

Et prēd' E. dic' q̄d' aueria illa tempore captionis p̄d' ſupp̄ fieri ſepem p̄d' ſufficient̄ fact. et reparat̄ et violēt̄ fregeř et in p̄d' locum voc' G. intraueř et herbā in loco illo creſcen' dapaſti fueř et dampn' in eo fecer' per q̄d' idem E. aueř ill' tunc ibm̄ cepit ꝓut idem E. ſuper allegauit, et hoc parat̄ eſt verificare, vnde petit iudic' et retorn' auerior̄ illorum ſibi adiudicari, &c.

*Reioinder.*

Et prēdict' T. dic' q̄d' ſepes prēd' tempore caption̄ p̄d' ſuppon̄ fieri rupt̄ et vaſtat̄ fuit in forma qua idem T. ſuperi° allegauit, et hoc pet̄ q̄d' inquiratur per p̄riā, Et ſimilit, Ideo 12, etc.

*Action de trouer.*

ſſ. I.P. queritur de I.K. de placito trn̄s, Et de

vnde idem I. per I. W. attur̄ ſuum die' q̄d cū præd' I.P. prim̄ die N.an' regni dom̄ regis nūc Angl',etc. apud P. infra iuriſd' hui⁹ cur̄ poſſeſſionat̄ fuiſſet de duobus ouibus matric' Angl' Ewes præcij x.s. vt de bonis et catall' ſuis ꝓprijs, Et ſic inde poſſeſſionat̄ exiſtens poſtea ſcz. eiſdem die et ann̄ apud P. præd' bona et catall' præd' extra manus et poſſeſſ. ſuas caſualit̄ perdidit et amiſit quæ quidem bona et catall' poſtea ſcz. eiſd̄ die at ann' apud P. predict̄ ad manus et poſſ. ipſi⁹ I.P. inuentionem deuenerunt pred' tamen I. cert̄ ſcien' bona et catall' predict̄ fore bona et catall' predict̄ I.P. et ad ipſū I.P. de iure ſpectare et pertinere machinañ et fraudulent̄ intenden' eundem I.P. in hac parte calide et ſubdole defraudar̄ et decipere bona et catall' p̄dict̄ p̄f. I.P. licet ſepius requiſit̄, etc. nondum tradidit nec deliberauit ſed bona et catalla præd' poſtea ſcz. primo die D. anno x. ſuprad' in vſum et cōmodū ſuum ꝓprium diſpoſuit et conuerti ad dampn' ipſius I.P. xx. s. et inde ꝓduc' ſect',etc.

*Count in treſpas.*

S.S. attach. fuit ad reſpond' I.E. de placito quar̄ ipſe ſimul cum W.L. clauſum et domum ipſius I. apud B. infra iuriſdiction' hui⁹ cur̄ fregit, Et alia enormia, etc. vnde idem I. per I.H. attorn̄ ſuum queritur q; præd' S. ſimul,etc. xxx. die. S. anno regni dñi regis nūc Angl' etc. de-

cimo

cimo clauſum et domum ipſius I. apud B. infra iuriſdictionē huius cur̄ fregit et alia enormia &c. ad graue dampn̄ ipſius I. vnde dic' ꝙ deteriorat eſt, et dampnum habet ad valenc' xx. s. et inde produc' ſect',etc.

*Pro cloſe et meaſon debruſe, et herbes pris, tunc ſic.*

Et vnde idem H. in propria perſona ſua queritur de prædict̄ I. ſimul cū R. R. et I. L. 1.die Sept. an', etc. clauſ. et dom̄ ipſius H.apud W. infra iuriſdict' huius cur̄ fregit et herbam ſuā ad valenc' xx.s. iam nuper creſceñ cū quibuſdam auerijs, viz. equis, bobus, vaccis,et bidētibus depaſtus ſint conculcauit et conſumpſit, Et alia enormia ei intuleř ad dampnum ipſius H.xxx.s. Et inde produc' ſectam,&c.

*Non cul. plead.*

Et præd' def. per I.F. atturnat̄ ſuum venit et def. vim et iniuriam quādo, etc.et quoad tot tranſgr̄. præd' præter fractionē clauſ. prædict̄ dic' ꝙ ipſe in nullo eſt inde culp' prout præd' queř ſuperius verſus eum queritur, Et de hoc poñ ſe ſup p̄riam, et predict' queř ſimiliter, et quoad fractionem clauſi p̄d' idem def. dic' q̄d præd' queř actionem ſuā p̄d' verſus eum habeř non debet quia dic' quod prædict' queř ante tempus quo ſupponitur tranſgr̄ prædict' fieri

vnam

vnam vaccam ipſius def. apud G. præd' inuẽt abſque cauſa rationabili cepit et ill' in clauſuꝫ prędict' fugauit et illã ibidem imparcauit per q̃d' idem def. ꝓ vacca ill' rehabend' clauſ. prædict' tempore quo, &c. intrauit et eam tunc ibidem cepit et abduxit prout ei bene licuit et hoc parat' eſt verificare, vnde petit iudicium ſi pręd' quer' action' ſuam pręd' inde verſus eum habere debeat, etc.

*Replication de ſon tort demeſne ſans tiel cauſe, & iſſue ſur ceo.*

Et præd' quer' dic' quod ipſe per aliqua prędict' aligat' ab actione ſua p̃d' de fraction' clauſ. p̃d' verſus præf. def. habend' prędicti non debet, quia dic' q̃d' pręd' def. die et anno ſupradict' de iniuria ſua propria et abſq; cauſa per ipſum def. prealigat' clauſ. ipſius quer' apud C. pręd' fregit ꝓut ipſe ſuperius verſus eum queritur, Et hoc petit ꝙ inquiratur per patriã et pręd' def. ſimilit', ideo 12, etc.

*Barr' intreſpas per offer de reaſonable amendes.*

Et pręd' def. per I. W. attornatum ſuum ven' et defend'. vim et iniuꝫ quando, etc. Et dic' q̃d' prædict' quer' actionem ſuam p̃d' verſus eum habere non debet, quia dic' q̃d' ipſe immediat' poſt pręd' tempus tranſg' pręd' fieri ſupponit

ſcilicet

ſcilicet die x. Ian' an',&c.apud N.p̄dict' p̄ man' ipſius def. propcias obtulit ad ſoluēd p̄f. quer̄ ijs pro dampn' ſuis cum vaccis præd' in p̄dict' loco in quo, etc. pref.quer̄ fec' qui quidem ijs fuer' ſuffic'amend' ,p dampn' cum vaccis præd'. in p̄d' loco in quo, etc. eodē tempore quo,etc. fac' quos quidem ijs p̄dict' quer̄ de eodem def. recipere adtunc et ibidem penitus recuſāt, Et hoc parat' eſt verificare vnde petit iudic',ſi p̄d quer' actionem ſuam pred' inde verſus eum habere ſeu manutenere debeat, etc.

Tender de ſuffic' amendes eſt bon' plea in Replegiar̄ ante imparcationem aueriorū, mes nemy poſt.

**Note that if any man pl. or def. be minded to remoue any action out of this Court, hee muſt doe it by the B. writ, called an Accedas ad cur̄,which iſſueth out of the Chancerie,and it muſt bee made by a Curſiter of that Shire where the action lyeth, and directed to the ſherife of the ſame Countie, who will make his warrant to the Bailife of that Court, and the Bailife muſt make his returne of the warrant thus. Firſt the Bailife ſends or deliuers to the Sherife a copie of the entrance of the Court when the cauſe was remoued,thus.**

*Alton Weſtbrooke.*

Cur̄ R.T. mil' ibm̄ ten̄ die Iouis, viz.x.die Maij ann' regni dom̄ n̄ri Iac' dei gracia Angl' Scoc'

Scoc. Franc' et Hiberñ regis fidei defenſ. &c. viz. Angl. Franc. et Hiberñ xx. et Scoc' 51. coñ I.W. G.S.R.H. et T.D. ſect. eiuſdem cuř.

*The copie of the plaint.*

I.S. queř verſus W.W. de placito captionis et iniuſte detentionis aueriorum ſuorum.

Virtute iſtius præcepť mihi directi accepť mecum I.W. &c. quatuor diſcreť militť hundř de A. præď. acceſſi ad cuř R.T. militť et recordť feci loquelã q̃ eſt in eadem cuř inter I.S. queř et W.W. def. et record' illud paratũ habeo ſub ſigill' meo et ſigillis p̃ď. 4. mil' eiuſdem cuř ex illis qui record. ill, interfueř et partibus p̃dictť eundem diem præfixi prout mihi precepť fuit, In cuius rei teſtiñ tam ego R.F. balliu° hundť præď. quam præď. I.W. &c. 4. legal' mil' hũdred p̃dictť preſentibus ſigill' noſtř appoſuimus.

**Thereupon the ſheriffe maketh his return, as to the ſaid writ appeareth.**

FINIS.

A surrender per virgam to be sed after the steward

This heare you Arteward pat I surrender up into the hands of the Lord of this Manor all that Copyhold Messuaer Tenement & xiij acres of land Meadowe and pasture wth the appurtenances wth I hold by Copie of Court Rolle of the foresaid Manor for terme of my life & the lives of Thomas & John my sonnes and all the right state title interest Playme & demaund whatsoever as well of me as of the foresaid Thomas & John my sonnes of in & to the same to the intent that the Lord of this Manor may doe therewth his will & pleasure.

Admission of a Copy holder ... xij d p admiss
xij d p intrat

Lett the Tenant to be admitted put his hand on the reed

I doe heere in the name of the Lord of this Manor grant unto you John younge one Copyhold Mesnage & Tenement & xxij acres of Land Meadow & pasture wth the appurtenances to the same belonginge in Lettyalts Netley late in the tenure & occupacion of Phillipp Bradford & Johan his wife as in the right of the said Johan to have & to hold the same unto you and unto Thomas & Richard your sonnes for the terme of your lives & the life of eyd of you long est livinge successively accordinge to the Customs of the same Manor by the rents & services for the same aunciently due & of right accustomed and hereof I deliver you seison by this reed

The admission of the 2 person after the death
or surr of the tenant in possession
Layinge his hands on the rod

I doe here in the name of the Lord of his Manor
admitt you John Young Tenant unto (&c ut antea)
To have & to hold to you for the terme of your life according
to the Customs of the same Manor &c ut antea

of a widowe pt mortem marit
Layinge ut supra

I doe here in the name of the Lord of his Manor admitt
you Johan Young wife of John Young deceased
Tenant unto &c ut antea) To have & to hold to you
dinginge your widowhood as longe as you shall live
sole & chast accordinge to the Customs of his Manor
by the Rents &c ut antea